late of James County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, resolutions of Mine Workers' Union No. 554, of Victoria, Tenn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. NAPHEN: Resolutions of Temple Ohabei Shalom, Boston, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RAY of New York: Resolutions of Garment Workers' Union, Binghamton. N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: Paper to accompany House bill for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs—to the Committee on War Claims.

By Mr. SCOTT: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, favering House bill 8337, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Iola Central Labor Union, on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHATTUC: Papers to accompany House bill 13377, to place David B. Jeffers on the retired list—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: Petition of Ray Miners Union, Troy, Ariz., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOOK: Papers to accompany House bill 8542, granting an increase of pension to P. F. Harris—to the Committee on Invalid Pensions.

Also, resolutions of Thomas McClure Post, No. 326, and Theodore G. Merchant Post, No. 683, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. STARK: Paper to accompany House bill 1515, granting an increase of pension to George D. Salyer—to the Committee on Invalid Pensions.

By Mr. VANDIVER: Papers to accompany House bill 13940, for the relief of George W. McElrath—to the Committee on War Claims.

By Mr. WOODS: Papers to accompany House bill 13938, granting a pension to Perrin O. Needham—to the Committee on Invalid Pensions.

Also, resolutions of Temple Ohabei Shalom, Boston, Mass., relative to treaty regulations with Russia—to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *April 23, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GREER COUNTY, TEX.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of conclusions reached in an investigation of the amount of taxes collected by Texas in what was formerly known as Greer County, and the expenditures made on account of that county by the State, as directed by act of Congress approved January 15, 1901; which, on motion of Mr. CULBERSON, was, with the accompanying papers, ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of 15 citizens of Corydon, Pa., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Onoko Lodge, No. 211, Brotherhood of Locomotive Firemen, of Easton, Pa., praying for the repeal of the so-called desert-land act, and also that an appropriation of $250,000 be made for irrigation purposes; which was referred to the Committee on Public Lands.

He also presented a memorial of Typographical Union No. 2, of Philadelphia, Pa., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of the Federal Labor Union of McSherrystown; of Federal Labor Union No. 7204, of Carbondale, and of Federal Labor Union No. 9452, of Lopez, all in the State of Pennsylvania, and of the American Society of Plate Engravers, of Washington, D. C., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Captain Joshua W. Sharp Post, No. 371, of Newville; of W. D. Myers Post, No. 434, of Johnsonburg; of John S. Bittner Post, No. 122, of Lock Haven; of Etz Post, No. 401, of Tioga; of Captain Michael Smith Post, No. 355, of McClure; of Robert F. Elliott Post, No. 526, of Spring Run; of Lafayette Post, No. 217, of Easton; of Henry Wilson Post, No. 129, of Milton, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented a memorial of the Pacific Coast Marine Firemen's Union of San Francisco, Cal., remonstrating against the elimination of the so-called seamen's clause from the ship-subsidy bill and the Chinese-exclusion bill; which was ordered to lie on the table.

Mr. PLATT of New York presented petitions of Bakers' Local Union No. 16, of Buffalo; of Journeymen Tailors' Local Union No. 91, of Elmira; of Bakers' Local Union No. 177, of Port Chester, and of Local Union No. 276, of Buffalo, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Bricklayers and Masons' Local Union No. 2, of Niagara Falls; of the Trade and Labor Council of Kingston; of the Team Drivers' Local Union No. 135, of Olean; of the Flint Glass Workers' Local Union No. 57, of Brooklyn; of Typographical Union No. 451, of Plattsburg; of Bricklayers and Masons' Local Union No. 20, of Sing Sing; of Bricklayers and Masons' Local Union No. 31, of Auburn; of Local Union No. 34, of New York City; of Local Union No. 42, of Binghamton; of Bricklayers and Masons' Local Union No. 46, of Nyack; of Local Union No. 51, of New Rochelle; of Bricklayers' Local Union No. 4, of New York; of Masons' Local Union No. 10, of Troy; of Local Union No. 12, of Lockport; of Local Union No. 26, of Cortland; of Boiler Makers and Iron Ship Builders' Union of New York; of Bricklayers and Masons' Local Union No. 8, of Cohoes; of Local Union No. 22, of Yonkers; of Local Union No. 17, of Ithaca; of Boiler Makers and Iron Ship Builders' Local Union No. 200, of Staten Island; of Local Union No. 202, of Schenectady; of the Bricklayers and Masons' Local Union No. 125, of Dunkirk; of Local Union No. 163, of Brighton; of the Wire Weavers' Protective Association of Brooklyn; of the Retail Clerks' Protective Association of Watertown; of Carpenters' Local Union No. 457, of New York; of Carpenters and Joiners' Local Union No. 374, of Buffalo; of Local Union No. 369, of North Tonawanda; of Local Union No. 774, of New York; of Carpenters and Joiners' Local Union No. 754, of Fulton; of Local Union No. 727, of Lake Placid; of Local Union No. 718, of New Rochelle; of Local Union No. 707, of New York; of Carpenters' Local Union No. 673, of Fort Edward; of Local Union No. 659, of Albany; of Local Union No. 639, of Brooklyn; of Stair Builders' Local Union No. 575, of New York City; of Local Union No. 574, of Middletown; of Local Union No. 573, of Rye; of Carpenters and Joiners' Local Union No. 507, of Newtown; of Local Union No. 503, of Lancaster; of Local Union No. 901, of Woodhaven; of Local Union No. 853, of Silver Creek; of Carpenters and Joiners' Local Union No. 132, of Buffalo; of Local Union No. 125, of Utica; of Local Union No. 99, of Cohoes; of Local Union No. 72, of Rochester; of Local Union No. 65, of Jamestown; of Plumbers and Steam Fitters' Local Union No. 206, of Elmira; of Local Union No. 223, of Kingston; of Plumbers' Local Union No. 253, of Gloversville; of Local Union No. 12, of Albany; of Wood Workers' Local Union No. 636, of Troy; of Cigar Makers' Local Union No. 68, of Albany; of Plasterers' Local Union No. 168, of Tonawanda; of Typographical Union No. 62, of Utica; of Typographical Union No. 315, of Poughkeepsie; of Typographical Union No. 348, of Olean; of Local Union No. 9, of Elmira; of Local Union No. 374, of Elmira; of the Watch Case Makers' Local Union of Brooklyn; of the Bakers' Local Union No. 105, of Geneva; of Local Union No. 291, of Newark; of Local Union No. 1, of Port Jervis; of Local Union No. 101, of Buffalo; of Local Union No. 149, of New York; of Local Union No. 155, of New York; of Local Union No. 276, of Buffalo; of Local Union No. 63, of Mechanicsville; of the Central Labor Union of Seneca Falls, and of the Car Repairers' Local Union No. 6, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. QUAY presented a petition of Street Railway Union No. 164, American Federation of Labor, of Wilkesbarre, Pa., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

He also presented petitions of John W. Geary Post, No. 90, of Philipsburg; of J. Ed. Turk Post, No. 321, of Dayton; of John F. Croll Post, No. 156, of Pennsylvania; of E. N. Ford Post, No. 336, of Warren; of Spalding Post No. 33, of Leraysville, all of the Department of Pennsylvania, Grand Army of the Republic, and of Major A. M. Harper Circle, No. 4, Ladies of the Grand Army of the Republic, of Braddock, all in the State of Pennsylvania, praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

He also presented petitions of Local Unions Nos. 1947, 488, 278, 237, 309, 419, 321, 125, 258, 29, 31, 37, 42, 43, 47, 48, 49, 7, 37, 50, 1, 153, 62, 141, 57, 2, 8, 23, 26, 27, 106, 44, 5, 102, 61, 173, 159, 185, 359, 277, 263, 228, 378, 350, 169, 101, 195, 813, 62, 211, 283, 326, 32, 36, 61, 1001, 1108, 1156, 1168, 1218, 1589, 1562, 1376, 1281, 1263, 1628, 1685, 208, and 206, of Elizabeth, Mount Carmel, Lansford, Newcastle, Philadelphia, Allegheny, Rothsville, Bradford, Hazleton, Rochester, Nanticoke, Erie, Easton, Lebanon, Braddock, Plymouth, Franklin, Pottsville, Du Bois, Pottstown, Gray Station, Ormsby, Lancaster, Pittsburg, Susquehanna, Bethlehem, York, Kane, Harrisburg, New Kensington, Kittanning, Williamsport, Oil City, Altoona, Girardville, Berwick, Weissport, Columbia, Sayre, Carbondale, Coraopolis, Uniontown, Great Bend, Bradford, Sunnyside, Simpson, Vandling, Throop, Pittston, Wilkesbarre, Anita, Arnold, Pottsville, Sixmile Run, Monongahela, Hegins, and Shenandoah, all of the American Federation of Labor, in the State of Pennsylvania, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. MONEY presented petitions of Bricklayers and Masons' Local Union No. 2, of Vicksburg; of the Journeymen Tailors' Union, of Vicksburg; of Bricklayers' Local Union No. 3, of Jackson, and of Bricklayers' Local Union No. 1, of Meridian, all of the American Federation of Labor, in the State of Mississippi, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. COCKRELL presented petitions of the Typographical Union of Carthage; of Nettleton Division, No. 378, Brotherhood of Locomotive Engineers, of Springfield; of Bricklayers' Local Union No. 4, of Stanberry; of Local Union No. 117, Brotherhood of Locomotive Engineers, of Stanberry; of Frisco Lodge, No. 54, Brotherhood of Locomotive Firemen, of Springfield; of Marion Lodge, No. 290, Brotherhood of Locomotive Firemen, of Hannibal; of Bricklayers' Local Union No. 8, of Joplin; of Beef Butchers' Local Union No. 76, of St. Joseph; of Carpenters' Local Union No. 945, of Jefferson City; of Deep Water Lodge, No. 368, Brotherhood of Locomotive Firemen, of Springfield; of the Central Labor Body, of Joplin; of Granite Workers' Local Union No. 9289, of Graniteville; of United Mine Workers' Local Union No. 1226, of Novinger; of Boiler Makers' and Iron Shipbuilders' Subordinate Lodge, No. 113, of Sedalia; of Glass Workers' Local Union No. 6, of St. Louis; of Chain Workers' Local Union No. 3, of St. Louis; of Bricklayers' Local Union No. 5, of St. Joseph; of Meat Cutters' Local Union No. 152, of St. Joseph; of Retail Clerks' Local Union No. 80, of St. Louis; of Bricklayers' International Union No. 1, of St. Louis; of Bricklayers' Local Union No. 2, of St. Louis; of Carpenters and Joiners' Local Union No. 48, of Kirksville; of Carpenters and Joiners' Local Union No. 49, of St. Louis; of Carpenters and Joiners' Local Union No. 4, of Kansas City; of Iron Molders' Local Union No. 204, of Joplin; of Brewery Workers' Local Union No. 169, of Kansas City; of Journeymen Plumbers and Gas Fitters' Local Union No. 8, of Kansas City; of Stereotypers' Local Union No. 8, of St. Louis; of Bridge and Structural Iron Workers' Local Union No. 10, of Kansas City; of Box Makers and Sawyers' Local Union No. 149, of St. Louis; of Cigar Makers' Local Union No. 23, of Springfield; of St. Joseph Typographical Union, No. 40, of St. Joseph; of Olive Leaf Lodge, Brotherhood of Locomotive Firemen, of Stanberry; of Local Union No. 642, United Mine Workers of America, of Vernon; of Local Union No. 104, United Mine Workers of America, of Camden; of Carpenters and Joiners' Local Union No. 311, of Joplin; of Carpenters and Joiners' Local Union No. 721, of Flat River; of Local Union No. 1472, United Mine Workers of America; of Carpenters and Joiners' Local Union No. 740, of Novinger; of Carpenters and Joiners' Local Union No. 578, of St. Louis; of Local Union No. 1442, United Mine Workers of America, of Novinger; of Diagonal Lodge No. 565, Brotherhood of Locomotive Firemen, of St. Joe, and of Lodge No. 70, National Brotherhood of Boiler Makers and Iron Ship Builders, of America, of Springfield, all in the State of Missouri, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. HOAR presented petitions of Cigar Makers' Local Union No. 324, of Gloucester; of Carpenters and Joiners' Local Union No. 878, of Beverly; of Carpenters and Joiners' Local Union No. 877, of Worcester; of Carpenters and Joiners' Local Union No. 823, of Webster; of Carpenters and Joiners' Local Union No. 862, of Wakefield; of Carpenters and Joiners' Local Union No. 624, of Brockton; of Bricklayers and Masons' Local Union No. 21, of Gloucester; of Bay State Division, No. 439, Brotherhood of Locomotive Firemen, of Boston; of Steel and Copper Plate Printers' Local Union No. 3, of Boston; of the Central Labor Union of Quincy; of Journeymen Plumbers' Local Union No. 12, of Boston; of Bakers' Local Union No. 170, of Milford; of Journeymen Barbers' Local Union No. 265, of Greenfield; of Carpenters and Joiners' Local Union, of Boston; of Bricklayers and Plasterers' Local Union No. 39, of New Bedford; of Bricklayers and Masons' Local Union No. 11, of Fall River; of Bricklayers and Masons' Local Union No. 10, of Lawrence; of Bricklayers and Masons' Local Union No. 19, of Fitchburg; of Bricklayers' Local Union No. 12, of Lynne; of the Bricklayers' Local Union of Attleboro; of Bricklayers' Local Union No. 27, of Roxbury; of Brotherhood of Stationary Firemen Local Union No. 47, of Brockton; of Stonemasons' Local Union No. 29, of Worcester; of Meat Cutters' Local Union No. 162, of Cambridge; of the Retail Clerks' Local Union, of North Adams; of the Retail Clerks' Association of Swampscott; of Retail Clerks' International Protective Association No. 4, of Danvers; of Retail Grocery, Provision, and Fish Clerks' Association No. 372, of Lowell; of Local Union No. 14, of Brockton; of Carpenters and Joiners' Local Union No. 351, of Northampton; of Carpenters and Joiners' Local Union No. 275, of Newton; of Carpenters' Local Union No. 222, of Westfield; of Carpenters' Local Union No. 177, of Springfield; of Carpenters' Local Union No. 443, of Chelsea; of Carpenters' Local Union No. 441, of Cambridge; of Carpenters' Local Union No. 438, of Brookline; of Carpenters' Local Union No. 390, of Holyoke; of Carpenters' Local Union No. 386, of Dorchester; of Carpenters' Local Union of Lenox; of Carpenters' Local Union No. 777, of Medford; of Carpenters' Local Union No. 782 of Quincy; of Carpenters' Local Union No. 950, of Danvers; of United Carpenters' Local Union No. 938, of Roslindale, and of Carpenters' Local Union No. 924, of Manchester, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CULLOM presented a petition of W. M. Hobbs Lodge, No. 4, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of the Commercial Club, of Belleville, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of Lodge No. 579, Brotherhood of Locomotive Firemen, of Montevideo, Minn., and a petition of Lodge No. 401, Brotherhood of Locomotive Firemen, of Two Harbors, Minn., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of the Machinists' Local Union of St. Paul; of Plumbers' Local Union No. 11, of Duluth; of Local Union No. 525, of Minneapolis; of Bakers' Local Union No. 222, of Minnesota; of Local Union No. 31, of St. Paul; of Printing Pressmen's Local Union No. 63, of Duluth; of Glass Workers' Local Union No. 8, of Minneapolis; of the Printing Trades Council of St. Paul; of the Printing Trades Council of Minneapolis; of Local Union No. 28, of Duluth; of the Boiler Makers' Local Union of St. Paul; of Jewelers' Local Union No. 8, of Minneapolis; of the Wire Weavers' Protective Association of Duluth; of the Retail Clerks' Protective Association of Brainerd; of Bricklayers' Local Union No. 1, of St. Paul; of Carpenters' Local Union No. 361, of Duluth; of Carpenters and Joiners' Local Union No. 957, of Stillwater; of Local Union No. 930, of St. Cloud; of Carpenters' Local Union No. 87, of St. Paul; of Brewery Workers' Local Union No. 133, of Duluth; of Plumbers' Local Union No. 6, of Winona; of Mailers' Local Union No. 4, of Minneapolis; of Bridge and Structural Iron Workers' Local Union No. 19, of Minneapolis; of the Woodworkers' Local Union of Minneapolis; of Cigar Makers' Local Union No. 294, of Duluth; of Local Union No. 579, of Montevideo; of Local Union No. 401, of Two Harbors; of Retail Clerks' Local Union No. 2, of St. Paul; of Tailors' Local Union No. 97, of Duluth, and of Local Union No. 10, of Staples, all of the American Federation of Labor, in the State of Minnesota, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BLACKBURN presented petitions of Candy Makers' Local

Union No. 124, of Louisville; of Bricklayers' Local Union No. 3, of Henderson; of Retail Clerks' Association No. 423, of Newport; of Carpenters and Joiners' Local Union No. 735, of Covington; of Carpenters and Joiners' Local Union No. 712, of Covington; of Carpenters and Joiners' Local Union No. 559, of Paducah; of Carpenters' Local Union No. 937, of Fulton; of Carpenters' Local Union No. 851, of Henderson; of Carpenters and Joiners' Local Union of Central City; of Barbers' Local Union of Newport; of Journeymen Barbers' International Union No. 45, of Louisville; of Branch No. 81, Brotherhood of Leather Workers on Horse Goods, of Maysville; of Box Makers and Sawyers' Local Union No. 105, of Louisville; of Retail Clerks' Local Union No. 287, of Central City; of the Typographical Union of Louisville; of District No. 23, United Mine Workers, of Central City, and of United Mine Workers' Local Union No. 1183, of Griffith, all of the American Federation of Labor, in the State of Kentucky, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PLATT of Connecticut presented petitions of Semaphore Lodge, No. 551, Brotherhood of Railroad Trainmen, of East Hartford; of Journeymen Barbers' Local Union No. 215, of New Haven; of Cigar Makers' Local Union No. 282, of Bridgeport; of Bakers and Confectioners' Local Union No. 38, of Bridgeport; of Bakers and Confectioners' Local Union No. 8, of Bridgeport; of the Allied Printing Trade Council of New Haven; of Journeymen Plumbers' Local Union No. 267, of Norwich; of Hat Makers' Local Union, of Danbury; of Hat Finishers' Local Union No. 2, of Bethel; of Sheet Metal Workers' Local Union No. 127, of South Norwalk; of Bricklayers and Plasterers' Local Union No. 3, of New Britain; of Bricklayers and Masons' Local Union of Meriden; of Bricklayers and Masons' Local Union No. 12, of Norwich; of Bricklayers ahd Masons' Local Union No. 21, of Danville; of Bricklayers and Masons' Local Union No. 20, of South Manchester; of Stone Masons' Local Union No. 17, of New London; of Boiler Makers' Local Union No. 61, of New Haven; of Carpenters' Local Union No. 260, of Waterbury; of Carpenters' Local Union No. 216, of Torrington; of Journeymen Barbers' Local Union No. 175, of Danbury; of Carpenters' Local Union No. 746, of Norwalk; of Carpenters' Local Union No. 927, of Danbury; of Carpenters' Local Union No. 920, of Meriden; of Carpenters' Local Union No. 804, of Naugatuck; of Carpenters' Local Union No. 127, of Derby, Shelton, and Ansonia; of Carpenters' Local Union No. 97, of New Britain; of the Carpenters' Local Union of Bristol; of the Carpenters' Local Union of Bridgeport; of New Haven Branch Amalgamated Society of Carpenters and Joiners' of New Haven; of Journeymen Barbers' Local Union No. 73, of Hartford; of Iron Molders' Local Union No. 126, of Norwich; of Journeymen Plumbers' Local Union of Hartford; of Stereotypers' Local Union No. 27, of Hartford and New Haven; of Amalgamated Wood Workers' International Union, of Danbury; and of Cigar Makers' Local Union, of New London, all in the State of Connecticut, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PROCTOR presented a petition of H. H. Smith Post, No. 19, Department of Vermont, Grand Army of the Republic, of Stowe, Vt., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Retail Clerks' International Protective Association No. 241, of Barre; of Retail Clerks' Association No. 335, of Rutland; of Local Union No. 683, Brotherhood of Carpenters and Joiners, of Burlington; of Carpenters and Joiners' Local Union No. 679, of Montpelier; of Brewery Union No. 131, of Bellows Falls; of G. L. Blodgett Lodge, No. 495, Brotherhood of Railroad Trainmen, of St. Johnsbury; of Carpenters and Joiners' Local Union No. 481, of Barre, and of Typographical Union No. 402, of Barre, all of the American Federation of Labor, in the State of Vermont, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. KITTREDGE presented a petition of Prairie Lodge No. 170, Brotherhood of Locomotive Firemen, of Huron, S. Dak., and a petition of Local Union No. 783, Carpenters and Joiners of America, of Sioux Falls, S. Dak., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PATTERSON presented a petition of sundry citizens of Colorado, praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of Lodge No. 488, Brotherhood of Locomotive Firemen, of Canon City; of Amalgamated Carpenters' Local Union No. 726, American Federation of Labor, of Denver, in the State of Colorado, and of the Marine Firemen's Local Union, American Federation of Labor, of New York City, N. Y., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented a petition of Bill Posters and Billers' Local Union No. 9517, American Federation of Labor, of Denver, Colo., and a petition of Miners' Local Union No. 84, American Federation of Labor, of Vulcan, Colo., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. DEPEW presented a petition of the Republican Club of the Seventh assembly district of New York City, praying for the enactment of legislation providing for an increase in the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Board of Trade of Newark, N. J., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented petitions of Plumbers and Steam Fitters' Local Union No. 217, of Portland; of Carpenters' Local Union No. 621, of Bangor; of Carpenters' Local Union No. 787, of Skowhegan; of the Bricklayers' Local Union of Portland; of the Bricklayers and Masons' Local Union of Waterville; of the Bricklayers, Masons, and Plasterers' Local Union of Augusta; of the Stone Masons' Local Union of Lewiston; of Local Union No. 514, of Bangor; of the Carpenters' Local Union of Portland; of the Carpenters' Local Union of Lewiston; of Plumbers' Local Union No. 209, of Bangor; of Local Union No. 366, of Henderson, and of the Paving Cutters' Local Union of Hurricane Island, all of the American Federation of Labor, in the State of Maine, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 312) providing that the circuit court of appeals of the Eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4769) to fix the fees of jurors in the United States courts, reported it without amendment.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6356) granting an increase of pension to William G. Taylor;

A bill (H. R. 10361) granting an increase of pension to Alexander Scott;

A bill (H. R. 7116) granting an increase of pension to Alexander F. McConnell;

A bill (H. R. 4543) granting an increase of pension to George W. Parker;

A bill (H. R. 9952) granting a pension to William P. Featherstone;

A bill (H. R. 11112) granting an increase of pension to S. Agnes Young;

A bill (H. R. 11091) granting an increase of pension to James Cooley;

A bill (H. R. 11977) granting a pension to Sidney Cable; and

A bill (S. 2703) granting an increase of pension to James S. Myers.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4642) granting an increase of pension to Annie Dowery;

A bill (S. 3997) granting an increase of pension to Otis A. Barlow; and

A bill (S. 4256) granting an increase of pension to Henry W. Edens.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 182) granting a pension to Mary F. Zollinger;

A bill (S. 3668) granting a pension to Hulda Milligan; and

A bill (S. 4829) granting an increase of pension to Nimrod Headington.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 92) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3387) for the relief of Gilbert E. L. Falls, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3250) granting an increase of pension to Winfield S. Piety, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4088) granting an increase of pension to Henry Jennings, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2599) granting an increase of pension to John Hall;

A bill (H. R. 9144) granting an increase of pension to James R. Wilson;

A bill (H. R. 6205) granting an increase of pension to Richmond M. Curtis; and

A bill (H. R. 2660) granting an increase of pension to Henry Runnebaum.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 12550) granting an increase of pension to James E. Horton, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 8562) granting an increase of pension to Sarah Ciples, now Vandemark, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4903) for the relief of Emma Morris;

A bill (S. 1191) for the relief of the legal devisees of James W. Schaumburg; and

A bill (S. 3697) for the relief of Ramon O. Williams and Joseph A. Springer.

Mr. McCOMAS, from the Committee on Education and Labor, to whom was referred the bill (S. 4419) to incorporate the General Education Board, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 136) for the relief of Mrs. Martha E. West; and

A bill (S. 576) for the relief of Mrs. P. J. Getty, administratrix.

Mr. KITTREDGE, from the Committee on Claims, to whom was referred the bill (S. 1874) for the relief of Frank F. Flournoy, reported it without amendment, and submitted a report thereon.

STENOGRAPHER FOR DISTRICT OF COLUMBIA COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. McMILLAN on the 21st instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the District of Columbia be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with bills pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. STEWART on the 17th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized to take testimony and to summon and examine witnesses in the investigation of the conduct and management of Indian schools and reservations now being made by said committee; and that the expenses of the same be paid from the contingent fund of the Senate.

VONNIE K. TURNER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HEITFELD (for Mr. TURNER) on the 3d ultimo, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Vonnie K. Turner, widow of Walter P. Turner, late a laborer of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

WILLIAM W. LEAKE AND ESTATES OF WILLIAM BOOTH AND THOMAS J. POWELL.

Mr. TALIAFERRO, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 1244) for the relief of the estate of William Booth;

A bill (S. 2351) for the relief of the estate of Thomas J. Powell, deceased; and

A bill (S. 1123) for the relief of William W. Leake, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 1244, 1123, and 2351) entitled "A bill for the relief of the estate of William Booth," "A bill for the relief of William W. Leake," and "A bill for the relief of the estate of Thomas J. Powell, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

FRANCOIS PETITFILS AND ESTATE OF W. H. H. BROOKS.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 728) for the relief of Francois Petitfils; and

A bill (S. 3592) for the relief of the legal representatives of W. H. H. Brooks, deceased—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 728 and S. 3592) entitled "A bill for the relief of Francois Petitfils," and "A bill for the relief of the legal representatives of W. H. H. Brooks, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

HEIRS AT LAW OF ALEXANDER P. MILLER, DECEASED.

Mr. McLAURIN of Mississippi, from the Committee on Claims, to whom was referred the bill (S. 4172) for the relief of the heirs at law of Alexander P. Miller, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4172) entitled "A bill for the relief of the heirs at law of Alexander P. Miller, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SUBPORTS OF ENTRY IN LOUISIANA AND TEXAS.

Mr. BAILEY. I move that the Committee on Finance be discharged from the further consideration of the bill (S. 3517) to amend the law creating the district of the Teche, La., as it is a bill providing for a port of entry, it properly belongs to the Committee on Commerce.

The motion was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. CULLOM introduced a bill (S. 5388) for the payment of additional bounty to Charles P. Brace; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DEBOE introduced a bill (S. 5389) granting an increase of pension to Jasper N. Acree; which was read twice by its title and with the accompanying papers referred to the Committee on Pensions.

He also introduced a bill (S. 5390) creating a commission to inquire into the condition of the colored people of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. FORAKER introduced a bill (S. 5391) to remove the charge of desertion from the military record of Jacob Shela; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5392) granting a pension to Elizabeth Woerz;

A bill (S. 5393) granting an increase of pension to Joseph C. Boltin;

A bill (S. 5394) granting an increase of pension to Mary Ann Shea;

A bill (S. 5395) granting an increase of pension to Stephen G. Horsey (with accompanying papers);

A bill (S. 5396) granting a pension to Mary J. Bowen (with an accompanying paper);

A bill (S. 5397) granting an increase of pension to John Shaw (with an accompanying paper); and

A bill (S. 5398) granting an increase of pension to Jacob J. Saunders (with accompanying papers).

Mr. MITCHELL introduced a bill (S. 5399) for the relief of retired colonels of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 5400) granting a pension to Annie E. Wallace; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5401) granting a pension

to Melinda Morford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5402) granting an increase of pension to Hiram H. Thomas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 5403) granting a pension to Lyman Hotaling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCLAURIN of Mississippi introduced a bill (S. 5404) for the relief of the heirs of Angelo Miazzo, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5405) granting a pension to A. McLellan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 5407) granting an increase of pension to Walter S. Sylvester; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 5408) granting a pension to George Erskine; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a joint resolution (S. R. 84) to permit the erection and use for lighting purposes of overhead electric wires outside of the fire limits, east of Rock Creek, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a joint resolution (S. R. 85) to amend the highway extension plans of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GAMBLE introduced a joint resolution (S. R. 86) providing for the printing of the eulogies on Hon. James H. Kyle, late a Senator from South Dakota; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAILEY submitted an amendment proposing to prohibit the expenditure of any moneys appropriated for the support of the Army for the fiscal year ending June 30, 1902, in defraying the expenses of anyone in going to, or coming from, or in attendance upon, the coronation of any hereditary king, prince, or potentate, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $25,000 for the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies now or heretofore forming the United States and any acts of Congress relating thereto, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to grant to the State of Connecticut the right to occupy, improve, and control for the purposes of a public park the tract of land owned by the United States situated on the east shore of New London Harbor, Connecticut, known as Fort Griswold, reserving to the United States the fee to the same, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED ADJOURNMENT.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. HOAR. A resolution comes over from yesterday, I think.

The PRESIDENT pro tempore. Does the Senator desire it to be taken up this morning?

Mr. HOAR. I do.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted yesterday by Mr. HOAR, as follows:

Resolved, That when the Senate meets on Thursday, May 1, it shall be adjourned by the Presiding Officer until Monday, May 5, at 12 o'clock.

Mr. ALDRICH. I suggest that the resolution had better go to some standing committee of the Senate.

Mr. CULLOM. The Committee on Appropriations.

Mr. ALDRICH. It should be referred to either the Committee on Appropriations or the Committee on Rules for the purpose of ascertaining whether in view of the public business it is desirable to take an adjournment for that length of time.

The PRESIDENT pro tempore. The Senator from Rhode Island moves the reference of the resolution to the Committee on Appropriations.

Mr. HOAR. I spoke to a good many of the Senators who have charge of business which is about coming on, among them the chairman of the Committee on Appropriations, and I believe that everyone to whom I spoke favored this resolution. I do not believe that it will result in prolonging the session one particle or in delaying one particle the coming to a vote of any pending measure. It was the universal practice to adjourn for half a week at about this time in the session until a very recent date, as the Senator from Illinois [Mr. CULLOM] doubtless will remember.

I shall not press the resolution, of course, if any Senator who has important matters in his charge thinks it is unwise, but I think the Senate can vote upon it now.

Mr. ALDRICH. I think the resolution had better go to some standing committee. I have been in the Senate not quite as long as the Senator from Massachusetts, but I have been here for twenty-two years, and such an adjournment as the Senator speaks of has never been taken since I have been in the Senate.

Mr. HOAR. Oh, yes.

The PRESIDENT pro tempore. The Senator from Rhode Island moves the reference of the resolution to the Committee on Appropriations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory; and

A bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo.

The message also announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River;

A bill (H. R. 11096) to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900; and

A joint resolution (H. J. Res. 61) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAHON, Mr. GIBSON, and Mr. SIMS managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12346) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. REEVES, and Mr. LESTER managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 2974) for the relief of J. V. Worley;

A bill (H. R. 8769) for the relief of S. J. Bayard Schnidel; and

A bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the House had passed a concurrent resolution to print 5,000 additional copies of the report of the governor of Oklahoma for the year 1901; in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

The message also returned to the Senate, in compliance with its

request, the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana, at or near Shreveport.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

S. 305. An act providing for a monument to mark the site of the Fort Phil Kearny massacre;

S. 3449. An act to establish an additional land office in the State of Montana;

H. R. 639. An act granting an increase of pension to Justus Canfield;

H. R. 658. An act granting an increase of pension to John H. Jack;

H. R. 1678. An act granting a pension to Mary E. F. Gilman;

H. R. 1811. An act granting an increase of pension to Thomas Milsted;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 2207. An act granting increase of pension to Louis Hahn;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 2619. An act granting increase of pension to William Holgate;

H. R. 3592. An act for the relief of Henry Lane;

H. R. 3826. An act granting an increase of pension to George W. Dodge;

H. R. 4821. An act granting increase of pension to Herbert A. Boomhower;

H. R. 6020. An act granting an increase of pension to Russel A. Williams;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 6760. An act granting a pension to Susan House;

H. R. 7782. An act granting increase of pension to Thomas P. Smith;

H. R. 7903. An act granting increase of pension to Ernest Wagner;

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9140. An act granting increase of pension to Mary Ann E. Sperry;

H. R. 9413. An act granting a pension to Mary E. Holden;

H. R. 10532. An act granting increase of pension to John L. Bowman;

H. R. 10951. An act granting increase of pension to Pauline M. Roberts;

H. R. 11550. An act granting increase of pension to William G. Gray;

H. R. 11737. An act granting a pension to Irenia C. Hill;

H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.; and

H. R. 12129. An act granting a pension to Minnie M. Rice.

UNION RAILROAD STATION.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the bill (S. 4825) to provide for a union railroad station the District of Columbia, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. PATTERSON].

Mr. TELLER. Mr. President, I had not intended to take any special part in this debate, but there were some statements made yesterday which attracted my attention, and the amendment offered by my colleague [Mr. PATTERSON] seems to me to be so proper that I would really like to know from the Senator who has the bill in charge what objection there can be to the amendment. It simply provides that if any railroad company other than those that are already provided for desires to use this depot and these tracks it may do it by making a proper arrangement with the railroad company, or, failing to make such arrangement, it may go into court.

I do not think any railroad company has any right to object to that provision; and if the Senator who has the bill in charge has any grounds for objection I wish he would state them. I myself can conceive of none unless it shall be admitted that we are preparing here to create a monopoly and give to these railroad companies or to this railroad company, more properly speaking, there being two in one, the absolute right to exclude and keep out of the city of Washington any other railroad which may desire in the future to come in.

I supposed it was one of those things which had escaped the notice of the committee, and that when the suggestion was made it would be accepted. I have heard up to the present time no reason why the amendment should not be accepted, and I understand that the committee are against it. I wish to know from the chairman whether that is a fact?

Mr. MCMILLAN. Mr. President, do I understand that the Senator from Colorado desires me to make an explanation as to the reason why the committee thought it was not wise to put on this amendment?

Mr. TELLER. That is what I should like to have, for I myself can not conceive of any reason. I have not such a vivid imagination that I can think up any objection to it, and I should like to hear what the objection is.

Mr. MCMILLAN. When the legislation that was passed a year and a half ago came up before us we considered this whole matter. In the House it was discussed very freely, but in the Senate it was not discussed. The intention was to take care of all the railroads entering the District of Columbia. The three Southern railroads, as well as the Baltimore and Ohio and the Baltimore and Potomac, were taken care of on terms satisfactory to them. These Southern roads and the Baltimore and Potomac were to come into one depot, which was to be placed on the Mall. Congress provided that the Baltimore and Ohio should build a new station on Delaware avenue and C streets, near where the present station is.

Now, that legislation has been passed. It is entirely satisfactory to the two railroad companies. They have not asked for any additional legislation. They do not want any additional legislation. They want to stay just where Congress put them a year and a half ago. But your committee, believing that it would be a great benefit and a great advantage to the District of Columbia as the national capital to have but one station here instead of two, and to get rid of the railroad tracks in the Mall, had this bill prepared on the general lines suggested by the committee. The technical portions of the bill were prepared by the railroad companies after consultation with the District engineers; then the bill was referred to the District Commissioners, who made suggestions touching the grades and streets, all of which were incorporated in the bill. Next the committee made amendments to protect the property owners and the Government.

If we amend the bill by allowing other roads to come in I am frank to say that I fear the whole matter will drop, and it is just as well to understand it so. The companies are to build this station and the terminals. If we compel them to open their tracks and their depot and to spend all this money, and give rights to unknown companies, I do not think they will be willing to do it. That is my judgment.

Now, that is the situation. We have asked the two railroad companies, the Baltimore and Ohio and the Baltimore and Potomac, which furnish the money, to do something which we think is to be of great benefit to the District of Columbia. They have agreed to do it. We had to work on them for three or four months to get them to consent to do this thing. Now we have accomplished it; but this amendment which, of course, seems on its face very fair, is not one that the railroad companies care to accept because they are to spend $10,000,000, and some new company could be started in New York or somewhere else and get up a prospectus stating that they have depot facilities in the city of Washington, and thus encourage an enterprise which might have no real foundation.

We all know that railroads do not want opposition. The fact is they are all getting together now, and I suppose the time will come when the Government will have to own all these railroads and then we can handle them just as we please; but now the railroad companies are getting into the hands of but one corporation; the whole trend is to consolidation; and this plan of ours is to have one railroad station which will take in every railroad now entering the District—the three roads from the South, the Baltimore and Ohio, and the Baltimore and Potomac. Now, that is the whole thing. They are not asking anything. We are asking it for them. That is the only explanation.

Mr. TELLER. It is a rather frank statement, I think, to say that the railroads will insist upon a monopoly, that they will insist upon allowing such railroads to come in as they have already suggested, and beyond that they will not go.

I am not myself willing to vote for a bill under those circumstances. I think the bill itself is an improper measure; but I would allow the matter, as far as I am concerned, to rest if there was a proposition that any railroad coming in here in the future might have the benefit of what we are giving to these railroad companies, because I think the public might be better served in some respects with this new scheme than with the old. But when we are told distinctly that this is to be a close corporation, and that there will be no power here in the Government of the United States or in the courts to provide for the use of this depot

and these tracks that are crossing our streets, and for which the District government and the United States are paying a large amount of money, I am not willing to say that it shall not be done unless the railroad companies see fit to allow it to be done.

Mr. President, I do not know what the legislation was a year and a half ago. My attention was not called to it; but I do know that if it proceeded upon the basis that the Baltimore and Potomac Railroad Company own any interest in the Mall, which they cross in getting to their present Sixth Street depot, it was a fraud upon the Senate and a fraud upon the country, because they never have owned any title to it. They have never, that I ever heard of, until recently asserted any title or suggested that they had any title.

I have heard this matter discussed here, more or less, for twenty-five years. I recall very distinctly a discussion which came up here very early in my Senatorial service, in which it was admitted by everyone that they were there by sufferance and that we could move them off whenever we saw fit, and there was a strong feeling to make them retire and go back on the other side of the Mall and secure their own depot ground by purchase, like railroad companies usually do. During that debate no one ever suggested that they were entitled to hold the Mall against the will of Congress, or that they had anything but the right to occupy it during the pleasure of the Government of the United States.

The Senator from Michigan speaks as if the railroad company were being asked in this amendment to give to a new railroad company something. It is nothing of the kind. That is not proposed. It is proposed that they shall allow them to come in if they can agree; and if not, the court of justice here shall determine what compensation shall be rendered by the new road. I know not what new roads may want to come in. It can not be assumed, I think, that we have quit building railroads to the national capital. There will probably be some other railroads built here, and if they are built they ought to have the same privileges that we are now granting to these people, upon paying, of course, a proper compensation, and there can be no fairer way of determining that than by allowing the supreme court of the District to determine it.

If this amendment is not sufficiently guarded, if anyone thinks there ought to be some provision for the safety of the roads that is not in it, an amendment might be made to it. But I can see nothing myself in it that needs any amendment. No one has suggested that there is any defect in the text of the amendment, but we are simply told that the railroad companies do not want any competition and the railroad companies do not want to divide, not simply as to railroads that are to be hereafter built, but as to a railroad that is already built here and that would like to get in. If we have tied ourselves up, as the chairman of the Committee on the District of Columbia seems to indicate we have in his opinion done, to such an extent that we ought to get rid of it by some such law as this, it is quite within our power to repeal the act of a year and a half ago.

Mr. FORAKER. Will the Senator allow me to interrupt him?

Mr. TELLER. Certainly.

Mr. FORAKER. I was about to make an inquiry as to whether or not anything has been done under the act of a year and a half ago that gives this railroad such a vested right that we can not any longer act by legislation with respect to the matter.

Mr. TELLER. I guarantee that there has not been any, for there has not been anything done under the act, I understand.

Mr. FORAKER. That is my own understanding, and I do not know of any reason, therefore, why we are not at liberty to enforce a union depot, if we want it.

Mr. TELLER. We are proposing, of course, to repeal that act by this act.

Mr. GALLINGER. Mr. President, if the Senator from Colorado will permit me, I think it is proper I should say that the roads have not proceeded under that act for the reason that the Committee on the District of Columbia requested them to withhold action pending the consideration of a union station.

Mr. TELLER. Mr. President, when that act was passed these two railroads were not consolidated. The Baltimore and Ohio was then a distinct corporation, as it is to-day; but it is now the property of the Pennsylvania Railroad, which is the owner, and has been for many years, of the Baltimore and Potomac road.

Mr. FORAKER. If the Senator from Colorado will allow me again to interrupt him, I will call his attention to the fact that section 17, which is the last section of the act of February 12, 1901, provides that "Congress reserves the right to alter, amend, or repeal this act." That would be a right reserved by Congress which we could legitimately exercise, although they had proceeded to make improvements under the act as was then contemplated.

Mr. GALLINGER. That is always reserved.

Mr. FORAKER. I know it is always reserved. It is not different in this case, but it is well enough, in view of the statement made by the Senator having the bill in charge, to draw attention to the fact that we are not powerless to deal with this matter.

Mr. TELLER. There is not any question but that we have ample power to deal with the matter. I should like to discuss the subject further, but I have difficulty with my throat this morning, which prevents me from saying more. I can not continue the discussion, but I hope the Senate will not allow the bill to be passed without taking proper steps to see that in the future the interest of the Government and the interest of the public are fully protected. That can not be done as the bill now stands, unless a general clause in the bill that Congress may modify or repeal the act, which I suppose is in, might allow it to be done. Now is the time to do it. I suppose the railroad companies will do what Congress declares they have got to do, because if they do not their tracks might be removed and they might be compelled to select a place for a station and to pay all the expenses themselves. I do not think the railroad companies have the Government of the United States by the throat, by any means. When this matter is presented properly to the railroad company or to the leading men of that great corporation, one of the greatest in the United States, I should doubt very much whether they would be so unwise as to object to the provision which has been offered as an amendment to the bill.

Mr. HOAR. Mr. President, I thought yesterday, when this bill came up, of proposing such an amendment as has been proposed by the junior Senator from Colorado [Mr. PATTERSON], but on reflection it seemed to me that it was of no practical importance whatever, and that it was hardly worth while to put it in the bill. The principle of the amendment is undoubtedly a sound and wise principle. It is the principle which prevails in my own State, and I suppose in most other States, that when any railroad has the right of eminent domain either to lay a track or to build a station, the legislative power may compel it to allow other roads, where the public interest requires, to enter upon the track and use it under a proper regulation, to have their cars conveyed, or to enter and use the station. Now, that is all right.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. HOAR. Yes, sir.

Mr. PATTERSON. I call the attention of the Senator from Massachusetts to the fact that the bill provides that the occupant railroad company may allow other railroad companies to enter on these approaches to this depot by agreeing with them. It is a right or a privilege that is conferred practically upon the Pennsylvania Railroad Company to allow other railroads to enter.

Mr. HOAR. That is the Senator's speech. I was making mine.

Mr. PATTERSON. I simply wanted to make that clear to the Senator, in order that he might direct his attention to this proposition, that having expressly conferred upon the Pennsylvania Railroad Company the right to allow other railroads to enter, and only in that method, is it not a very grave question whether any subsequent legislation could modify that right conferred by this bill?

Mr. HOAR. That is precisely what I was about to state. I had not overlooked the Senator's suggestion. I was making the preliminary statement of what I supposed to be the general policy in such cases in this country, and a just and wise policy.

Mr. President, it does not seem to me to be necessary or worth while to put anything in this bill which is not in it now, as I think it secures everything that ought to be secured. These railroad companies have got certain rights by the legislation of two years ago, and they are satisfied. That legislation of two years ago provides just what this bill does, that Congress reserves the right to alter, amend, or repeal the act. That is in the new bill as it is in the old act.

This new bill is one which had its origin in a suggestion from the Committee on the District of Columbia, that although the railroad companies may be satisfied with the bill of two years ago, it will be a great deal better for the public to have one station instead of two, and to have this great and magnificent building which is to be of greater length, I think, than the Capitol, built by the joint action of the railroad companies, for the ornamentation and convenience of this capital.

The only difference between the bill if amended as the Senator from Colorado proposes and without the amendment is that under the amendment any railroad company that wants to go in may go to the supreme court of the District of Columbia and get leave as of right, while without it Congress has the right, under this repeal clause and under its power of eminent domain, when it passes a law authorizing a new railroad to go where it does not go now, to give permission to such a railroad to enter that depot, and the courts or some public officer shall assess the damages. In other words, the only question is whether this shall be an absolute right to be enforced by the courts in all cases without the

further assent of Congress or whether it is a right which Congress has the power to confer hereafter under its general power of eminent domain or under special authority reserved in the final sections of both bills.

Whenever a railroad goes to that depot or goes through the streets of Washington to get there, it will be necessary to get an act of Congress to do it. There is no power to do it now. When Congress grants the power to do it in the future, it must then determine whether the railroad shall be authorized to go into this depot, the damages to the other railroads to be assessed and the details arranged by the court or by some board of public officers. I do not think the courts are a very good tribunal to attend to such matters. If we had a board of railroad commissioners, that would be a better tribunal to determine the convenience of the public in the matter of depots and the occupation of streets; but as we do not have a board of railroad commissioners, the Commissioners of the District are a better tribunal than the courts. If it is not thought proper to confer the authority on the District Commissioners, the Department of the Interior, through such agencies as it shall select—practical railroad experts—is a better tribunal than the courts; but at any rate you will have to get an act of Congress on the subject. If this bill passes with the amendment of the Senator from Colorado, we tie up Congress by having a jurisdiction in the District supreme court; and if the amendment does not pass, Congress may then do what it thinks reasonable. So I have surrendered and abandoned my purpose to support the amendment for that reason.

Mr. TILLMAN. May I interrupt the Senator?

Mr. HOAR. Certainly.

Mr. TILLMAN. As I understand the reading of the act of February 12, 1901, there are no vested rights in these railroad companies that Congress can not amend or alter.

Mr. HOAR. Certainly not.

Mr. TILLMAN. In other words, the railroads have nothing——

Mr. HOAR. And they have not in this bill.

Mr. TILLMAN. Yes, I know; but the Senator, as I understood him, said that the railroad companies already possessed all they wanted.

Mr. HOAR. I did not say any such thing. I beg the Senator's pardon, if I spoke too earnestly. So far as I am aware, I did not say any such thing as that.

Mr. TILLMAN. I will call the Senator's attention, if he will permit me, to the rule which he called down on the Senator from Utah [Mr. RAWLINS] yesterday. [Laughter.]

Mr. HOAR. What is that?

Mr. TILLMAN. I was just going to remark that the Senator had introduced a certain rule and called the attention of the Senator from Utah [Mr. RAWLINS] to it yesterday, and I was about to suggest that the Senator had better be careful or he would break the rule himself.

Mr. HOAR. In what respect?

Mr. TILLMAN. In what you just said to me.

Mr. HOAR. What did I say to the Senator?

Mr. TILLMAN. You contradicted me flatly, which I think was conduct "unbecoming a Senator."

Mr. HOAR. I beg the Senator's pardon.

Mr. TILLMAN. I grant it. I do not intend to get into an unnecessary wrangle about it.

Mr. HOAR. Mr. President, I will agree that the Senator from South Carolina is an expert in the particular matter of which he is talking, but I do not understand that when a Senator says to me that I have said something, and I reply that I did not say any such thing, and before the sentence was over I added "and I beg the Senator's pardon; perhaps I stated that too emphatically," that that statement of mine should be compared with a statement that Senators had skulked and slunk out of the Chamber. If the Senator from South Carolina thinks it should, I will yield to his authority and go on with my statement.

Mr. TILLMAN. Will the Senator allow me a word right there?

Mr. HOAR. I think I would rather have the Senator wait until I get through.

The PRESIDENT pro tempore. The Senator from Massachusetts declines to be interrupted.

Mr. HOAR. I do not care about entering into a discussion of my own propriety of speech.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Massachusetts declines to yield to the Senator from South Carolina.

Mr. HOAR. I have done my best.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. Mr. President, I wish to say again whenever any railroad wants to go into that depot or cross the streets of the city or share in the advantages which the depot will afford, it has got to get an act of Congress; and when that act of Congress shall pass, it will undoubtedly be within the power of Congress, first, because the present proposed statute affirms the power to alter, amend, or repeal the law, and next, without any legislation they have the right to do that under their power of eminent domain.

The only question is, therefore, when we are asking these railroad companies to give up something we have undertaken to give them and consent to something at our request, we had better settle now the question whether the supreme court of the District shall be the tribunal to fix all the arrangements to be made in that complicated transaction or whether we had better leave the enabling act to provide that or some other tribunal of the kind. That is all there is of it.

Mr. TILLMAN. Mr. President, I am sorry the distinguished Senator from Massachusetts [Mr. HOAR] should be so sensitive. I did not intend a moment ago in calling attention to his rather emphatic and, under certain circumstances, more or less insulting rejoinder to my utterance, to imply that the Senator intended anything discourteous. I had no desire to get into a wrangle with him or to raise any issue with him. It occurred, though, to my mind that as he is a stickler for good order and decorous language and Senatorial courtesy and dignity and all that kind of thing, he ought to set us youngsters a very high example. Ordinarily, I will say, the Senator does set us an example, which all of us might imitate with profit if we were able to do so, but I have noticed that the Senator habitually, I might say, breaks certain rules of this body—habitually—almost every time he gets on his feet, and while he does not do it in any undignified way or with any desire to show discourtesy or to obstruct discussion in the Senate, he ought to make allowances for the rest of us who have our foibles and shortcomings. That was all I desired to direct attention to, and I was not intending in any way to offend the Senator or to give him any cause for anger or to shut me off arbitrarily, as he did, or anything of that kind.

There is in regard to this matter which we have under discussion this phase—either the Senator from Massachusetts [Mr. HOAR] or some one in that neighborhood—possibly it might have been the Senator from Ohio [Mr. FORAKER] who was gyrating out of his orbit a moment ago—said something of that kind. But possibly I had better withdraw that language as being "unworthy of a Senator" or undignified.

Mr. FORAKER. The Senator from South Carolina ought at least to specify which Senator from Ohio was "gyrating out of his orbit." I do not know what he means by that very unusual expression—"gyrating out of his orbit."

Mr. TILLMAN. Well, your orbit is over here on this side of the Chamber.

Mr. FORAKER. Oh!

Mr. TILLMAN. And being on that side of the Chamber—not that the Senator does not frequently go there during the discussions in this body—if I remember aright, either the Senator from Massachusetts said there were certain rights already vested in these two railroad companies and that they had already what they wanted—but the Senator from Colorado now suggests to me that it was not the Senator from Ohio who made the remark to which I have referred, but some one in his neighborhood——

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. The Senator from South Carolina was so occupied in watching the gyrations of the Senator from Ohio, who was outside of his orbit, that he did not notice what the Senator from Ohio said. If the Senator referred to any remarks made by me, they were practically directly the opposite of what he has indicated.

Mr. TILLMAN. Do I understand the Senator, then, supposing that I have located it wrongly or misunderstood it, to contend that these railroads have no right now that Congress can not take away or alter or change? In other words, am I to understand that there is nothing vested; that they have done nothing which would leave us as a body and as a Congress subject to the rules of equity to do justice to these people should we change the law of 1901?

Mr. FORAKER. Mr. President, the remark I made was more in the nature of an inquiry than an assertion. The inquiry I made was directed to the Senator from Colorado [Mr. TELLER]. I was endeavoring to ascertain whether or not anything had been done under the act of 1901 that had given to these railroads such vested rights that we could not equitably and in good conscience repeal, alter, or amend the law that was then enacted. It is my opinion that we ought, if possible, to enforce a union depot. We do not want as many stations as there may be railroads desiring to come into Washington. I favored the legislation of 1901, because we were consolidating into two depots all the terminal facilities of this city, and I was gratified when there seemed an opportunity to consolidate the two into one, as this bill provides.

I shall regret exceedingly if there is anything standing in the way of such legislation as will enforce the entrance into that union depot of all the railroads that may come into this city. I simply wanted to know, interrupting the Senator from Colorado, who I thought was informed on the subject, whether or not anything had been done under that act to give a vested right which would stand in the way of our so legislating as proposed by the amendment offered by the junior Senator from Colorado [Mr. PATTERSON], which amendment seemed to me to be equitable and just.

Mr. TILLMAN. Then, Mr. President, I must have misunderstood the language of some one in the neighborhood of the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. The Senator will allow me to repeat what I said.

Mr. TILLMAN. With pleasure, always.

Mr. HOAR. Mr. President, I said that Congress had the perfect control over this subject for two reasons, and will have it after this bill shall have been passed: The first is the power of eminent domain and the second is because we reserve the power to alter, amend, or repeal both laws.

I said that the railroad companies had got what legislation they wanted two years ago, and this bill proposes to change it for the public benefit, without any regard to the desires or interests of the railroad companies, not that they have got such rights as they wanted or that they have vested rights that could not be enforced.

The Senator from South Carolina rose and said, as I understood him, that I had said that the railroads had got vested rights which we could not take from them. To that I replied, "I did not say any such thing," but immediately added when I made that statement, "Perhaps I stated that too emphatically."

Mr. TILLMAN. If the Senator makes that assertion or apology, or whatever he may term it, it is perfectly satisfactory to me. I have no desire to get into any contention with him, other than one that is pleasant and respectful, and his disclaimer is therefore entirely satisfactory.

The thing that I do not understand is, why it is that we should defer action in doing a desirable thing. I do not think anybody here will contend seriously that in legislating for a union depot and final settlement of the question of railroad entrance into this city we ought not to safeguard the interests and the rights of any railroad built in the future which may want to have the benefit of this entrance. The amendment of the Senator from Colorado only provides for something that is a very remote contingency, something that is not at all likely to happen, because, as the Senator from Massachusetts well said, no railroad can even get into the District without a charter from Congress; and Congress, when it grants such charter, would necessarily designate the streets and the lines that the railroad should take.

I want to call the attention of the Senator and of the Senate to the fact that the passing through this body of a charter of that character will be much more difficult in the future, when this monopoly which is created by this bill shall once get its grasp upon the transportation facilities here, than it will be if we put into this bill a general provision looking to a possibility or a contingency which may arise, and which when it arises will be met, if we are asked for a new charter, by the united opposition of all these corporations which now have this proposed scheme under way. Therefore, I do not understand why the chairman of the Committee on the District of Columbia and the members of that committee and the Senate in general should object, and, in fact, should not enforce this general provision, which, as I said, is a remote contingency, resting solely upon the possibility, not the probability, that in the future, in the next twenty, fifty, or hundred years, there may be such a condition that it will be desirable that some other railroad should enter the city and enjoy the facilities of this union depot.

We know perfectly well we are never going to have any other union depot in this city but the one now proposed, and I confess that I do not see why Congress should stand here and be called to a halt or be held up, so to speak, by this proposed monopoly with the threat, which was uttered by the chairman of the committee who presented this bill, that if we did not let this bill stay just as it is and not amend it with these great donations of money and of rights of way and other things which, in the language of the Senator from Colorado, amount to several million dollars—I say I do not understand why we should not now fix this general law, dealing with terminal facilities in this District in a way that will safeguard the interests of any future railroads that may want to enter.

With the rapid consolidation now going on in railroading, the absorption of the little roads by the big ones, the constant Morganizing, I may say, of our transportation facilities, it is not probable that there will be a body of capitalists who will have the temerity to undertake to enter into competition with this combination; but if it should come to pass, why should not such a railroad as may be seeking to get into the city, instead of having to come here to get a special act passed for its benefit, be allowed, under the general law, to go to the courts—to the Supreme Court of the United States, if you please, as the Senator found fault with the supreme court of the District, and specified several other bodies that were more desirable in that view as arbitrators of this matter, to settle finally what should be the conditions upon this new putative or expected or anticipated road should enter? I do not see, if it is objectionable to give the jurisdiction to the supreme court of the District, why we should not give it to the Supreme Court of the United States direct, without any intermediary step. Therefore, it appears to me, Mr. President, this amendment is so eminently proper and wise that I can not see for the life of me why any man should object to it.

I hope I have been guilty of no discourtesy to my fellow-Senators who do not agree with me in that. I do not want to tread on anybody's toes here.

Mr. HANSBROUGH. Mr. President, when this bill was reported from the Committee on the District of Columbia the statement was made in the public prints that the Committee on the District of Columbia was unanimous in favor of it. I think I may call on the chairman of the committee to confirm me in the statement I make to the effect that there was at least one member of that committee who was not in favor of the bill, and that member was myself. I speak only for myself.

Mr. President, I am against this bill for reasons entirely apart and altogether different from those stated by the Senator from Colorado [Mr. PATTERSON] yesterday. I am for the amendment presented by the Senator from Colorado for the reasons which he then stated.

If the Pennsylvania Railroad were a young, struggling enterprise and needed the assistance of the Government of the United States, I would willingly give my vote toward a subsidy for the enterprise which is proposed in this bill; but it is a well-known fact that the Pennsylvania Railroad Company is one of the richest corporations in this country. It is also a well-known fact, I believe, that it recently absorbed the Baltimore and Ohio Railroad Company, and that the purpose of this union depot here is simply to fix the railroad facilities for Washington hereafter so that there will be but one road running into the city of Washington, the capital of the United States.

I have said that the Pennsylvania Railroad Company is not a pauper company; that it is not a young and struggling company, or enterprise, or corporation. It is strong and vigorous and wealthy. Its stock to-day on the market is worth $150 for a full share.

Mr. President, my idea of a Government subsidy—and when I speak of a subsidy in connection with this bill I refer to the fact that we are here appropriating practically about $5,000,000 toward this enterprise—my idea of a Government subsidy is that when it is given it should be for the benefit of some struggling enterprise, some enterprise which is going to be beneficial to the country and which needs the subsidy, which needs the help proposed; but in this case the Pennsylvania Railroad Company is far better able to construct this depot and build the approaches to it and build a tunnel through this Capitol Hill to reach it than the Government of the United States is able to give the company $5,000,000, because the securities of this railroad company in proportion are worth more than the securities of the Government of the United States. So that it is not a pauper institution; it is not an institutiou which requires the aid of the Government or of the States. It is far beyond that period and is able to stand alone.

There was something said here yesterday about what other States do in cases of this kind. I do not know what the State of New Hampshire does particularly or what the State of New York does, but we should draw a line, it seems to me, between the city of New York and the city of Washington. Washington is not a commercial city; it is an official city. There is no competition here as there is in New York. The business enterprise of New York and the business men of New York can very well afford doubtless to give great sums of money for additional railway facilities, but why should the city of Washington do it—a city that is almost wholly dependent upon Government appropriations for its support.

In my own section of country in the Northwest I never knew of a railroad company asking the State to build a depot for its purpose. In the city of St. Paul and in the city of Minneapolis the railroad companies, as I understand, have built their own depots.

Mr. GALLINGER. Will the Senator from North Dakota permit me to interrupt him?

The PRESIDENT pro tempore. Will the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. HANSBROUGH. Certainly.

Mr. GALLINGER. I am sure the Senator, Mr. President, does not want to misrepresent that matter.

Mr. HANSBROUGH. Of course I do not.

Mr. GALLINGER. When he talks about cities building railroad depots, by inference asserting that there is a proposition in the pending bill that the United States Government and the District of Columbia shall contribute something for that purpose, I wish to say that there is absolutely nothing in the bill which authorizes a statement of that kind. The United States Government and the District of Columbia, under the laws passed last year, made donations of $5,000,000 for the purpose of eliminating grade crossings in the city of Washington. That amount is included in this bill. In addition to that there is an appropriation to build a plaza in front of the station for the ornamentation of the city of Washington. Not a single cent is donated for the purpose of constructing the station.

Mr. HANSBROUGH. Mr. President, I am aware of the fact which the Senator states, that there is no specific appropriation in this bill for a depot. We are all aware of that fact, but it is true, nevertheless, that under the legislation of two years ago, which is confirmed by this proposed act, and under the additional sums appropriated by this bill, the railroad company—and I speak now of one company, because there is but one company in Washington—will in the end receive about $5,000,000 from the Government, and from the District a much larger sum—but from the Government of the United States about $5,000,000.

Mr. President, it matters not whether that money is spent for a depot or for grade crossings, or for a tunnel through Capitol Hill. It goes into the coffers of the company, whose stock is much above par. There ought to be enough patriotism in that company, which has fared well at the hands of the American Congress, which has done well in coming to Washington and in now controlling the railroad business of Washington, to build a depot itself and to put in these improvements. I do not hesitate to say that if any other enterprise in this country whose stock is worth a hundred and fifty-one or a hundred and fifty-two dollars a share had the opportunity to come here and receive the benefits which the Pennsylvania Railroad Company is receiving at the hands of the people of Washington and at the hands of the Government of the United States it would gladly put in these improvements.

In the report of the committee I observe an array of figures which it is very difficult to comprehend. The Senator from Michigan, the chairman of the committee, stated this morning that the bill was first submitted to the railroad company. I doubt if any lawyer here can read this bill through and thoroughly understand it. We might find the traditional Philadelphia lawyer able to do it. Indeed, I have no doubt that the bill was drawn by that traditional Philadelphia lawyer. But in the report I see some figures to the effect that the railroad company itself is going to expend about $14,000,000. That might be considered an inducement for the Government of the United States to put its hands in its pocket and give $5,000,000, but who will know whether this railroad company expends that amount of money or not? Who will know anything about it? Only the railroad company, of course.

Mr. McMILLAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. HANSBROUGH. Certainly.

Mr. McMILLAN. I will say to the Senator from North Dakota that the railroad company in every case has presented the figures to the engineer of the District of Columbia, and every one of those figures has been gone over with very great care; and, while they may not be perfectly accurate, I have no doubt the figures are correct to a very close fraction.

Mr. HANSBROUGH. We are obliged to take the statements of the company, as we have been obliged to take the bill which has been presented to or drawn by them.

Mr. McMILLAN. I think I stated very clearly this morning that the bill was drawn and first presented to the railroad company because it is a technical bill. It is a bill which could not be drawn by anybody unless he understood the streets and alleys and avenues of the city. It had to be drawn by engineers. It was then submitted to the Commissioners of the District of Columbia. It was gone over with great care by the Commissioners and by the engineers and then gone over by the committee. It certainly has had the greatest care and attention. We have been at it for months. There was a subcommittee which went over it and gave hearings. Certainly the bill has been drawn with great care.

Mr. HANSBROUGH. I understand that the Senator has given a good deal of attention to this bill. In fact, he has devoted a very large part of this session to it. I give him credit for his industry. So far as I am concerned, I have not had the opportunity to go over the bill as I should like to, but I have read enough of it to warrant me in saying, after an examination of the report and from my knowledge of the general situation in Washington, that I would not be justified in giving my vote to the bill. I so stated in the committee. I so state now. I think I know sufficient of the situation to warrant me in saying that I will vote for the amendment proposed by the junior Senator from Colorado [Mr. PATTERSON], for the reason that while we are now legislating on the subject I do not believe it is proper for us for all time to say that no other line shall be built to this city; and if we are building a union depot, and if the Government of the United States is putting its hand into its pocket to pay for it, I maintain that any company which has the enterprise and the money to put into a railroad to come to Washington ought to be allowed to enter the union depot, which is practically built by the Government. For that reason I will vote for the amendment, and I think if the amendment is adopted I shall then vote against the bill.

I started to say something about the railroads in the Northwestern States when I was interrupted. I referred to the fact that when the Northern Pacific and the Great Northern and the Soo road want facilities of this kind in any of the Northwestern cities they build them themselves out of their own pockets. I referred to the fact that in Minneapolis and St. Paul the three railroad companies which come in there have put up their own depots. All they asked was the ground to put them on. In the capital of my own State, the Northern Pacific road recently constructed a magnificent depot. They did not ask a dollar from the city or the State. They themselves put in the money. Over on the Pacific coast, in the city of Seattle, where two great railroads have their termini, all they ask is sufficient water front for right of way and a depot. They are not asking the city of Seattle, which is a most enterprising place, for a single dollar to help them to build a depot.

Mr. McMILLAN. Will the Senator from North Dakota allow me?

Mr. HANSBROUGH. Certainly.

Mr. McMILLAN. I should like to say to the Senator from North Dakota, that neither the Pennsylvania Railroad Company nor the Baltimore and Ohio is asking for one cent to build the depot. The depot is to be paid for out of the pockets of the railroads. The union depot, costing $5,000,000, is to be paid for entirely by the railroad companies. Not one cent will be paid or contributed toward it by the Government.

Mr. HANSBROUGH. As I said a moment ago, it makes no difference where go our $5,000,000, which is given toward the enterprise, whether they put it into the depot or into the grade crossings or into the tunnel. I say the company itself is amply able to put in this improvement, instead of coming here as if it were in dire need and asking the Government of the United States to help it out. That is my point. Whether the railroad puts it into a depot or wherever it goes, it is a bonus, it is a subsidy, an appropriation by the Government of the United States, and it is that to which I object. I say that the business of the city of Washington, which has been enjoyed by this railroad company, is sufficient to warrant it, and it ought to have patriotism enough to induce it, it seems to me, to put in this improvement. That is the only point I care to make, and this is all I have to say on the subject.

Mr. GALLINGER. Mr. President, the Senator from North Dakota [Mr. HANSBROUGH] surprises me very much in the statements he has just made. He says that if the Pennsylvania Railroad were a poor road he might give his vote for the subsidy proposed in this bill. The Senator did give his vote a little over one year ago for every dollar of subsidy proposed in this bill to the Pennsylvania Railroad and to the Baltimore and Ohio Railroad. The Senator must have seen new light since then, which I can not quite understand. The amount proposed to be given to the consolidated road under this bill for the elimination of grade crossings in Washington is identical with the amount in the two bills that were passed a year and a half ago. The only additional item is for the building of a plaza in front of the station, an improvement belonging to the Government and the District of Columbia which the railroad company has not asked to have made, and I take it the railroad does not care much whether it is made or not.

Mr. PATTERSON. Will the Senator allow me to correct him if I am correctly informed?

Mr. GALLINGER. Certainly.

Mr. PATTERSON. The figures I used yesterday were those I took from the Saturday Evening Star, which contained nearly a page purporting to give the figures by the Commissioners of the District of Columbia. In addition to the money, $3,000,000, and $1,800,000 to be expended by the Government of the United States for other purposes, the article then gave the value of the real estate that was given to each of the roads in the bills in the last Congress. Let me read what it says:

To summarize the above, the value of public property in addition to present occupation with deductions for such as is restored to the public use, is as follows (the prices per square foot being either those used in previous reports and estimates or, where such are not found, being arrived at by careful analogous determination):

Under the act of February 12, 1901, in relation to the Baltimore and

Potomac Railroad, $1,374,000; in relation to the Baltimore and Ohio Railroad, $1,138,610; total, $2,512,610.

Under pending bill there is an occupation in common by both railroads of portions of public space, giving a total of $1,454,521.

It shows that by this bill a million and a half of real estate is given to the joint company that was not given to either of the independent companies by the act of the last Congress.

Mr. GALLINGER. I do not agree with the Senator in the figures he has given. The fact is that under the legislation of two years ago we made a grant of land to these companies. I do not know whether or not the present site, whereon stands the Baltimore and Potomac station, was absolutely granted to that company by the legislation of last year, but it is certain we did not give them a grant to construct an entirely new station on it, and it is not at all probable that we are going to dispossess them, if we have the power to do so, in the near future.

We gave a grant of land to the Baltimore and Ohio Railroad Company. I do not know to what extent. But now, under the present bill, the Baltimore and Potomac Railroad Company are going to vacate the land we gave them, if we did give it to them. We certainly gave them the occupancy of it, which they now propose to vacate, and they agree to construct a union station on land that certainly will not cost more than was granted to them under the law of a year and a half ago.

Mr. HANSBROUGH. The Senator says they are going to vacate the land we gave them last year, but he neglects to state that we are going to give them one million and a half of dollars for the land.

Mr. GALLINGER. I stated that two or three times yesterday, and it is not necessary for me to restate it, and I said yesterday that the land will be approximately worth $3,000,000 the moment it is given back to the Government, and there is no question about it.

The Senator from North Dakota inquired why Washington should make a contribution for the elimination of grade crossings. For ten years the press and the people of Washington have been thundering their anathemas against Congress for not getting rid of the dangerous grade crossings that are in this city, and I know of no reason why the city of Washington should not make a contribution as well as the other cities of this country to the elimination of grade crossings.

Washington is not a poor city. Washington receives an enormous amount of money which goes into ready circulation by the army of those in official employment in the city, and Washington pays less in taxes than any other city in the United States. Some Senator may say that the Star, which has been quoted here to-day, controverts that statement, but the fact is that the people of Washington pay practically nothing by way of a personal tax, and the property holders here pay a rate of one and a half per cent on their real estate, which is valued for taxation purposes at 65 per cent of its real value. There is no other city in the United States which pays so small a tax as that, and I know of no reason why the District of Columbia should not make a contribution to this most important public improvement.

The Senator from North Dakota says he does not know what has been done in other States. I will tell him what has been done in some American cities and by some States to get rid of grade crossings. The city of Philadelphia paid $1,020,000 for the elimination of the grade crossings on the Philadelphia and Trenton Railroad alone, by five separate ordinances which were passed by the city government of Philadelphia—$1,020,000 for the elimination of grade crossings on an inconsequential railroad entering the city of Philadelphia.

The city of New Haven paid one-half of the cost of carrying the steam railroad tracks over East Chapel street.

By special act of the legislature of Massachusetts, providing for a change of grades, etc., on the Providence division of the Pennsylvania Railroad in the city of Boston, 55 per cent was paid by the railroad company and 45 per cent by the Commonwealth, the city of Boston being required to refund the State 30 per cent of the whole cost.

For similar changes in Brockton, Mass., including new stations, yards, tracks, etc., the railroad company paid 65 per cent, the State 25 per cent, and Brockton 10 per cent.

Brockton is a small city in the State of Massachusetts.

The law of the State of Massachusetts now provides that no matter from which side an application is made to abolish grade crossings 65 per cent shall be paid by the railroad company, 25 per cent by the State, and 10 per cent by the municipality.

A recent law of the State of New York divides the cost of abolishing grade crossings as follows: Fifty per cent by the railroad company, 25 per cent by the State, and 25 per cent by the municipality.

In a letter addressed to the chairman of the Committee on the District of Columbia, dated October 16, 1899, Mr. William Jackson, city engineer of Boston, states that in a special case involving an expenditure of $4,000,000, the State and the city of Boston paid 45 per cent (of which the city assumed 13.5 per cent) and the railroad company paid 55 per cent.

In a letter dated October 17, 1899, Mr. G. S. Webster, chief engineer of Philadelphia, states that in the construction of the Pennsylvania avenue subway, whereby 16 grade crossings were abolished, involving an expenditure of $3,000,000, the city paid one-half and the Philadelphia and Reading Railway Company paid the other one-half.

These are sample cases, and many others might be cited.

The Senator from North Dakota says that is not the custom in the West. I do not know how that may be, and yet the Senator gave away his argument when he said that in St. Paul all the railroad company demanded was a site on which to construct its station. I do not know the difference between a contribution of land and a contribution in money. He says that in the city of Seattle, a small city, as we all know, and a city that has not been very prosperous of late years, all the railroad demanded was the privilege of the water front. That may be an enormous privilege. It may be a privilege almost beyond computation. I do not know how valuable it is. But the Senator's illustrations show that in both the city of St. Paul and the city of Seattle subsidies have been given to corporations for making improvements, and those improvements seem to be the construction of stations and not the elimination of grade crossings, and for that reason much less defensible than the provisions of the bill under consideration.

Mr. President, I do not care to detain the Senate more than a few moments longer in discussing this matter.

Mr. HANSBROUGH. The Senator ought not to put that interpretation on what I said. I did not say that the roads had received contributions for the construction of depots. I said just the contrary. They have received no contributions for the construction of depots. The railroad companies themselves built the depots. So far as I know, all they ever have asked is simply a site, and in the capital of my own State they furnished the site themselves. The Senator ought not to say the city of Seattle is not a prosperous city. It is one of the most prosperous cities in the United States. It is one of the most vigorous and go-ahead places I ever visited, I think.

Mr. GALLINGER. I have no disposition to misrepresent the Senator or to underestimate the importance of the city of Seattle, and I am glad to know that that city is prosperous. It is a mere matter of splitting words, if not hairs, when the Senator claims that the contribution of a site to a railroad company on which it shall construct a station is not a gift to the railroad company for constructing that station. It must be so patent to every other Senator that it is a contribution of that kind that I will not stop to discuss it.

The chairman of the Committee on the District of Columbia has given ten years of valuable study to the question of railroad terminal facilities in the city of Washington, and the committee itself has given days, weeks, and months to an investigation of this subject. It has been a long and tedious process. The citizens have demanded that certain improvements shall be made; the press has demanded it; and the committee responded to that demand and thought it a very desirable thing to accomplish, if it was possible of accomplishment.

Mr. PETTUS. I desire, for information only, to be informed by the Senator what ojection has the committee to the amendment proposed by the Senator from Colorado?

Mr. GALLINGER. I will say in reply to the interrogatory of the honorable Senator from Alabama that the committee has never had an opportunity to consider it.

Mr. PETTUS. Then, if the Senator will allow me——

Mr. GALLINGER. Certainly.

Mr. PETTUS. I will ask the Senator what objection he has to the amendment?

Mr. GALLINGER. I will get to that, and possibly I may not state any objection to it before I get through.

Mr. President, the chairman of the Committee on the District of Columbia stated the matter accurately when he said that the railroads, or the railroad, if you choose to call it one corporation, had made no request and had asked for no favors at the hands of Congress at this session. We did have two bills before us during the last Congress dealing with the question of terminal facilities for the two roads, which were enacted into law. As I understand the matter, the railroads are quite content to let it rest where it is. The committee asked the railroads not to proceed under those acts until an attempt was made to secure a union station, which they kindly consented to do, and for that reason no work has been done under the legislation of a year and a half ago.

In reference to the amendment to which the Senator from Alabama kindly called my attention, I will say that no man or corporation appeared before the Committee on the District of Columbia advocating an amendment of that kind. It never was considered by the committee, and the committee were unaware of the fact that any such privilege was desired. The bill under consideration follows the lines of previous legislation. It follows the lines of the legislation of a year and a half ago, against which no protest was uttered, and for which Senators who are now protesting against this bill voted. The committee supposed they were doing their full duty in reporting the bill in the form in which it is.

Mr. President, I confess I was very much surprised yesterday when the amendment was offered in the Senate by the junior

Senator from Colorado, and especially was it a matter of surprise to me that he made such an impassioned speech in which he, I thought, by insinuation at least, attacked the committee, charging that the bill which the committee reported created a monopoly, and making certain suggestions as to fraud committed in other cities in the matter of franchise rights.

I will also venture to say that the Senator from Colorado, doubtless laboring under a misapprehension, gave very extravagant figures as to the appropriations that are made under this bill on the part of the Government and the District of Columbia for securing this very desirable improvement in the city of Washington.

Of course the Senator from Colorado did not impute improper motives to the committee or to Congress in the matter of granting franchise rights. He could not have done that, because the corporations with which we are dealing secured their franchise rights a great many years ago—the Baltimore and Potomac thirty-one years ago and the Baltimore and Ohio Railroad at a time antedating that period. So, of course, no suggestion could be made that there was any danger of anything happening here in the matter of this legislation which would not be proper and honorable and honest.

Mr. President, I wish to devote a few moments of time to a consideration of the rights that the Baltimore and Potomac Railroad Company have to their present site. I said yesterday that, as I understood the matter, they had rights there which were undoubted. I am not so sure, after looking the matter over more carefully, that they have rights which they could assert and maintain in a court. Yet it is a fact that in 1871 Congress did grant them the right to build on the site where their station now is, ratifying an act of the municipal government which gave them that right at a preceding period. It ought to be remembered that prior to granting this company the right in 1871 it had been given a grant to build a station south of Virginia avenue, and that when the grant was made in 1872 the former grant was repealed. A proviso in the law of May 21, 1872, is as follows:

Provided further, That the act of Congress approved March 3, 1871, granting a site for a passenger depot to said railroad company upon Virginia avenue is hereby repealed, to take effect when said company obtains possession of the depot property on Sixth street, as described in this act; and no passenger or other depot shall be constructed by said company on said site.

So, thirty-one years ago Congress did grant the right to the Baltimore and Potomac Railroad Company to construct a depot on Sixth street, where they are now in possession. I do not suppose any Senator will contend that Congress would undertake to dispossess the company if it continues to occupy that site under the statute of March 21, 1872. It has made very heavy outlays of money, including the construction of a station. Congress gave the company the privilege of doing that, and, simply because Congress reserved the right to alter, amend, or repeal the act—which is the usual provision in all acts of this kind—is no valid reason for the belief that Congress would seriously attempt to dispossess that company from the property which it now holds.

But however that may be, Mr. President, in 1901 we gave that company further rights. Under the act which was passed February 12, 1901, we gave the further right to the company to construct a new station on that site. Section 3 provides:

That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the condition hereinafter mentioned, that portion of the Mall lying between B street southwest and B street northwest, etc.

It will thus be seen that only a year and a half ago we granted to that company the right to occupy the Mall and to construct a new station on the site which is now occupied by the old station. So I think the contention that Congress can dispossess that company at will, while it may be technically right in law, has very little potency as a matter of good business judgment. I do not believe Congress would ever seriously think of doing anything of the kind.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. Certainly.

Mr. TILLMAN. I hope the Senator does not understand those of us who are objecting to some features of this bill, or rather trying to incorporate this amendment into it, as being opposed to the proper improvement of the railroad facilities of this city. We are anxious for a union depot. We are anxious for one that will be respectable and decent and even beautiful. We are not opposing this improvement. We are simply trying to guard against a possible contingency which may arise in the future, and we, as wise legislators, ought to take care to see that the provision is placed in the bill. In the development of railroads in the future it may be necessary for some other line to enter this city, and we should provide that it shall have the right to enter the city on the tracks and to use the terminal facilities herein provided; and if such imaginary or putative corporation can not agree with those now in charge or in possession that they shall have the right to appeal to the courts of the District of Columbia. That is all we are asking for. We are not opposing this improvement. We want to see it carried through.

Mr. GALLINGER. I think, Mr. President, I do not misunderstand the position of the Senator from South Carolina at all, and I would not have troubled the Senate by the observations I have made were it not that on yesterday the junior Senator from Colorado made a much broader attack, if I may so call it, upon this bill than the simple proposition involved in his amendment. The Senator from Colorado charged that this bill proposes the creation of a great monopoly. Well, Mr. President, it creates no greater monopoly than exists to-day under the statutes.

The Senator descanted on the value of franchise rights. Why, Mr. President, this does not grant any franchise rights. As a matter of fact, it surrenders franchise rights. We have now two railroads having franchise rights in the District of Columbia by legislative sanction, and we simply propose to put those two railroads in one station instead of two stations, which, under existing laws, they have a right to occupy. That is all there is to that.

There was no suggestion made to the committee that the proposed legislation would create a monopoly, and I feel that I can speak for every member of the committee when I say that there was no thought on their part that they were creating a monopoly that would work to the disadvantage of the people of the District of Columbia or the people of the country.

Now, Mr. President, one or two further observations and I am done. The junior Senator from Colorado, in his earnest and eloquent way, criticised the proposed expenditure of money provided for in this bill by the Government and the District of Columbia for the construction of a plaza in front of the proposed station. The railroad company, I take it, cares very little whether a plaza is constructed or not. If we grant to these corporations the right to build a union station on the site that is proposed in the bill, which is sometimes designated as "Swampoodle," I presume they will build a station there, and the people of the District and of the country will have to get to that station whether there is a beautiful plaza in front of it or not. The railroad company will have just as much business if their patrons are compelled to wend their way through narrow streets and avenues and alleys to get to the road as they will if there is a plaza in front of it.

The only thought the committee had in this respect was that when we are planning to beautify Washington this magnificent monumental railroad station, which will cost four or five million dollars, the finest railroad station in all the world, should have beautiful approaches, and it seems to me that the Government and the District of Columbia can well afford to build agreeable approaches to it. That is all that the bill contemplates. I know that we could not enforce that upon the railroads, and I have very little idea that any railroad corporation would conceive it to be its duty to invest a very considerable sum of money in beautifying the approaches to a railroad station.

Now, Mr. President, the committee has done the best it could in the matter of this proposed legislation, having given a great deal of time to the consideration of the subject, and it rests with the Senate to determine whether in its judgment the work has been wisely done.

As to the proposed amendment, I am not prepared at this moment to say whether I shall vote for it or against it. I hope that some agreement will be reached on the part of the chairman of the committee and those who think that the bill ought to be amended in that particular upon some proposition that will command the votes of the entire Senate. I am not hidebound about it at all. This great public improvement I have at heart very much, because I have chanced to be a member of the subcommittee of the Committee on the District of Columbia having in charge the project to make Washington the most beautiful city in the world. Perhaps I have been indulging in a dream about that, but I have this matter very much at heart, and I do dread to contemplate the possibility of losing this legislation by incorporating anything in it that will result disastrously to the bill. The construction of this magnificent railroad station will be an object lesson, and will have great influence on the character of the public buildings that are in contemplation in this city.

Mr. PATTERSON. If the Senator will permit me——

Mr. GALLINGER. Certainly.

Mr. PATTERSON. I want to say that so far as I and my colleague are concerned, we will cooperate heartily and fully with the Committee on the District of Columbia in its very praiseworthy object of making the capital of the United States the most beautiful capital in the world. But I wish to say to the Senator that, actuated by such a motive and hoping that the dream will be realized, I would rather see it all sink into hopeless loss forever than to be a party to giving what I contend is a monopoly, pure and simple, for all practical purposes, to the travel and the freight

coming to and going from the capital of the country. I heartily meet the suggestion of the Senator from New Hampshire that those of us who do not desire this monopoly to exist may be able to reach a satisfactory solution of the difficulty that seems to exist now. I and those of us who think as I do will be very happy indeed to cooperate for that purpose.

Mr. GALLINGER. Mr. President, as I suggested in the beginning, it is unfortunate that this proposition had not been brought to the committee. I understand that there is one particular corporation in which the people of Colorado are greatly interested financially.

Mr. PATTERSON. No; it is two or three of our citizens.

Mr. GALLINGER. Very well.

Mr. PATTERSON. And I want to say——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. GALLINGER. I yield to the Senator.

Mr. PATTERSON. So far as the Senators from Colorado are concerned, we have no more interest in that road, directly or indirectly, except friendship for those who are interested, than the honorable Senator has in the Pennsylvania road. Further, I was told that the amendment, or something similar to it, had been suggested to some members of the committee—which of them I do not know—and it was received with no favor. In any event, after it was introduced I had a conversation with the chairman of the committee; and the chairman, for reasons that he gave, said that he could not consent to it. That was before it was brought up upon yesterday. Certainly there was no desire on my part to bring this matter before the Senate without having given the committee ample and full opportunity to consider it.

Mr. GALLINGER. Of course I know the Senator has no interest in the road for which he pleads. He says that the amendment will benefit two or three citizens of his State. He represents his people, and that is proper. The Senator has the same relation to that road that I have to the Pennsylvania Railroad. I never have spoken a word in my life to any official connected with the Pennsylvania Railroad. I do not know Mr. Cassatt, the president. He has never done me the honor to call on me or even to write me a note concerning this or any other legislation. He certainly has not been troublesome to me as a member of the committee, and I think he has not been troublesome to the committee. On the contrary, I have reason to know—I get it from the chairman of the committee—that the corporation is entirely content with the legislation that is on the statute books to-day.

I do not join, Mr. President, with the suggestion made by the junior Senator from Colorado that he would rather see this legislation fail than not to have an amendment in the line suggested by himself incorporated in the bill. If I can be brought to believe that the legislation will fail in the event of an amendment of that kind being adopted I shall feel compelled to vote against the amendment, because I want very much to have this legislation become a reality.

But as I said a moment ago, I hope some common ground may be found, and before we get through with the consideration of the bill, which is not to be to-day, I infer, from the fact that the clock has almost reached the hour when the unfinished business will come up for consideration, that some agreement may be reached whereby every Senator will support this legislation, which to my mind is of the utmost importance not only to the District of Columbia, but to the entire country.

This is all, Mr. President, that I care to say concerning the matter.

Mr. HANNA. Mr. President, the morning hour has about expired, and I simply wish to be recognized. I want to say something on the bill to-morrow.

REPORT ON BEET-SUGAR INDUSTRY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, covering a report on the progress of the beet-sugar industry in the United States during the year 1901.

Your attention is invited to the recommendation of the Secretary of Agriculture that 10,000 copies of the report be printed for the use of the Department, in addition to such number as may be desired for the use of the Senate and House of Representatives.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

Mr. PLATT of Connecticut. Before 2 o'clock arrives, I desire to ask for a unanimous-consent agreement, if I may do so at this time.

The PRESIDENT pro tempore. The Chair recognizes the Senator.

Mr. PLATT of Connecticut. The friends of the bill for opening the Rosebud Reservation are very anxious to have consideration of that bill. It has been objected to because it could not be discussed under the five-minute rule. I desire to move an amendment and to discuss the bill. I therefore ask unanimous consent that after the matter which was under consideration this morning shall be disposed of, that bill may be taken up after the routine business in the morning hour, and discussed without limitation as to time.

Mr. WARREN. Does the Senator from Connecticut ask that it be considered to-morrow, or at some later time than to-morrow?

Mr. PLATT of Connecticut. Whenever the matter which is now under discussion in the morning hour shall have been concluded.

Mr. WARREN. I merely call the Senator's attention to the fact that there is an agreement to go into executive session to-morrow immediately after the morning business.

Mr. PLATT of Connecticut. Well, whenever the opportunity shall occur after the consideration of the matter which has been under discussion this morning.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the bill to which he refers may be taken up for consideration in the morning hour after the final disposition of the bill now under consideration in the morning hour, and that there shall be no limitation of the five-minute rule in the debate. Is there objection? The Chair hears none, and the order is made.

Mr. JONES of Arkansas. What is the bill?

Mr. PLATT of Connecticut. It is the bill relative to the opening of the Rosebud Reservation.

The PRESIDENT pro tempore. The number and title of the bill will be stated.

The SECRETARY. Order of Business 675, a bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

MISSOURI RIVER BRIDGE AT ST. CHARLES, MO.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BERRY. I ask unanimous consent that the bill be indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the bill was engrossed, read the third time and finally passed be reconsidered, and that the bill be indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

RED RIVER BRIDGE AT SHREVEPORT, LA.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BERRY. I ask that the same order be made in that case.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the bill was engrossed and read the third time and finally passed be reconsidered, and that the bill be indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 2974) for the relief of J. V. Worley; and

A bill (H. R. 8769) for the relief of S. J. Bayard Schindel.

The bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

OMNIBUS CLAIMS BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments

of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known at the Bowman Act, and asking a conference with the Senate upon the disagreeing votes of the two Housee thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. WARREN, Mr. TELLER, and Mr. MASON were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BERRY. I move that the Senate insist upon its amendments and agree to the conference asked by the House. I make this motion in the absence of the Senator from Michigan [Mr. MCMILLAN].

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. ELKINS, and Mr. BERRY were appointed.

REPORT OF GOVERNOR OF OKLAHOMA FOR 1901.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

BILLIARD AND POOL TABLES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes;" which were referred to the Committee on the District of Columbia.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. RAWLINS. Mr. President, there are a good many features which have intimate relation to this legislation, and the importance of it, I think, justifies us in an effort to present the facts which will enable those who care to deal with this subject intelligently to do so. That is my justification for detaining the Senate in the remarks which I make.

Last evening I was inviting attention to some considerations relating to the acquisition of lands held by corporations under the authority of the so-called Philippine government and the disposition of such lands to be made after their acquisition. This is, in my judgment, a very important matter relating to the future welfare of the islands, and I intend now to advert still further to that subject by calling attention to the specific language of the bill bearing upon that point.

Section 64 provides:

That the government of the Philippine Islands is hereby authorized to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

Section 65 provides:

That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels as in the opinion of the Commission injuriously affect the welfare of the people of the Philippine Islands.

The Senate will note that there is no fixed limitation as to the quantity of land which will be a sufficient justification for action on the part of the Philippine government under the clause "such large tracts or parcels as in the opinion of the Commission injuriously affect the welfare of the people of the Philippine Islands."

That may mean 100 acres or 100,000 acres. There is, of course, no limitation whatever, but it leaves the authority to be employed by the Commission in its own discretion without limit in respect to any real or personal property, whether held by corporations or individuals, and gives to the government the right to appropriate it in the exercise of the power of eminent domain. To what end, Mr. President, are they thus authorized to appropriate these lands and this property in this manner? After providing for raising the funds with which to pay for the lands we pass to section 66.

That all lands acquired by virtue of section 65 of this act—

That is the section to which I have just alluded—

shall constitute a part and portion of the public property of the government of the Philippine Islands—

Note the language, "the public property of the government of the Philippine Islands," not the public property of the United States—

and may be leased, let, sold, and conveyed by the government of the islands on such terms and conditions as it may prescribe.

That is a very extended authority. Can anyone see the limit upon it?

Provided, That the price to be paid by a purchaser shall in no case be less than the appraised value fixed thereon at the time of acquisition thereof by said government of the Philippines.

That is a possible and very insignificant limitation. Then follows a provision as to the payment of interest upon the bonds.

Thus this authority is to be exercised, not by the Government of the United States, but by the government of the Philippine Islands; the land is to be acquired in exercise of the power of eminent domain, provided that in the opinion of the government of the Philippine Islands it is held in such large quantities as may come within the purview of the power or may justify its exercise.

MAY MORTGAGE THE FUTURE.

Mr. President, as to the method of payment the government of the Philippine Islands does not pay for this land which is to become its property. The government of the Philippine Islands is composed of such "person and persons," who are vested with all civil, judicial, and military power, to be exercised under the direction of the President of the United States without limitation or qualification, even the qualification which originally pertained to the Spooner amendment, which conferred absolute power.

And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippines is hereby empowered to incur indebtedness, to borrow money, and to issue and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of the Philippine Islands, upon such terms and conditions as it may deem best, registered or coupon bonds of the government of the Philippine Islands for such amount as may be necessary, said bonds to be in denominations of $50 or any multiple thereof.

And to charge certain rates of interest, to be payable within certain times, without limitation upon the amount of indebtedness which may be so incurred.

Thus the Philippine government is given power, not only to appropriate all the funds which may now be in the islands and all the moneys which they may derive from taxation of every conceivable description, but to mortgage the entire future of those islands by the issuance of bonds to the ends specified in these sections.

In justification or excuse for conferring these most extraordinary powers it is claimed that there are certain religious orders in the islands who have been or were in possession of large tracts of land and sums of money, and that the possession of such land and money by those orders constituted a disturbance of the peace of the islands and prevented the pacification and continuance of peace throughout the archipelago.

I want to invite attention to the fact that, in the first place, it was claimed that the amount that would be necessary to raise to secure these lands would be $5,000,000, but the limitation, it will be observed, is nowhere noted in this bill which the Senate is now called upon to pass.

The following, from a letter written by Buencomino, gives a general outline of these holdings:

The friars, my dear sir, have at their disposal here 36 religious centers, including churches and chapels, where they have 200 confessionals and 36 pulpits, which are constantly visited by deputies, both male and female.

They are also owners of 14 convents, which are enormous buildings, occupied by some 400 Spanish friars, including Jesuits, Benedictines, Dominicans, Augustines, Franciscans, Recolets, Paulines, and Capuchins of both sexes; and they support a great number of shoemakers, sculptors silversmiths, embroiderers, and other tradespeople.

The friars are bankers, shipowners, merchants, and proprietors of three-fourths of the buildings of the city.

The friars administer the funds of the so-called pious works, which amount to some $18,000,000 Mexican, and the funds, so called, of the miter, which amount to some $6,000,000 Mexican.

The friars manage eight schools founded by private parties, with large endowments, and, lastly, they maintain for the direction, administration, and representation of so many interests, 10 American lawyers and 20 Spanish lawyers, some of whom have recently brought out from Spain five Spanish and two English newspapers, from which are excluded the very important questions of the ownership of wealthy haciendas and administration of wealthy parishes, and, I repeat, they are very important questions because they affect the public order.

FOR THE BENEFIT OF SPECULATORS.

Passing from that question, Mr. President, the lands, which are distributed throughout the archipelago, held by these religious orders, in some thirty different localities, amounting to more than a half million acres, if we are to believe the testimony of Governor Taft, are no longer held by the religious orders referred to. He

says in his testimony that they have been transferred, but that, in his opinion, the transactions are only colorable; that in reality these lands remain the property of the religious orders in question. They are not the property of the apostolic authorities of the Catholic Church. They were the property of the different corporations constituting the five religious orders, and the property was supposed to be dedicated to certain specific charities in the islands; but I alluded to the fact that it was at one time thought that $5,000,000 would be sufficient to cover the purchase price of these lands. More recently the figures have been raised to $17,000,000.

It happens to have been disclosed in regard to some of these tracts, notably one in Mindoro, referred to in the testimony of Governor Taft, amounting to about 60,000 acres of land, that it has been disposed of at least under option to a man, who attained some notoriety as having been indicted for corrupting certain officers and people in the Philippine Islands. Having obtained an option upon this large tract of land at the figures therein mentioned, he was interested in disposing of the tract at a profit to himself and his associates. I have no doubt that the designation of the condition of that tract of land, which is to be appropriated under the authority to which I have referred, will be found to be true with respect to every other of these tracts claimed to belong to religious orders in the Philippine Islands.

The urgency or pressure is brought to bear to confer unusual and unlimited power upon the government of the Philippine Islands is in order that such government will issue bonds, raise the money, and appropriate these lands on terms which will prove profitable to the speculators who have obtained options upon them. • It is, of course, to the interest of these so-called religious orders in the islands to dispose of these lands. The orders have become so obnoxious to the inhabitants throughout the islands that they can not safely remain; they can not operate those large estates with profit; and, as disclosed in the testimony in the case which has been laid before us, they are at present unprofitable, owing partly to the disturbed state of the country; and these orders have been only too willing to make some arrangement, I have no doubt, with speculators to dispose of these lands; and the speculators, of course, have no other interest in this question than to obtain the profit upon the conditional investment made by them. The statement of Governor Taft that these transactions are colorable, when explained, will be found to mean nothing more than that the parties have obtained preferential rights of purchase, and hold those rights subject to the condition that they can dispose of these so-called friar lands to the government of the Philippine Islands.

Mr. President, ought we to confer authority like this to this end? If these lands were to be taken from the friars, who held them, if there was a necessity for this action in order that the people of the islands who want to make and maintain their homes there and are interested in its future and permanent welfare and we might thereby restore peace to that stricken land, I would join with any others in doing what I could to bring about such a desirable result.

It is a most vicious policy, in my opinion, to commit in any country large tracts of God's footstool, designed to be devoted to the use of His creatures, to the monopoly of any sort of corporation, whether it be religious or secular.

As I have pointed out, the authority under this bill given to the Philippine government is to acquire any land, whether belonging to religious orders, corporations, or individuals. That language is industriously employed for a purpose. It would not do to limit it to religious corporations or organizations or to these five orders, because then it could not be employed in the interests of speculators who have obtained options on this land. It would not do to limit it to corporations holding in such large quantities as might be injurious to the welfare of that people, for the individuals who hold these options in some instances are not incorporated.

So we have the designation broad enough to cover the individual, who, without expense to himself, has gone to these religious orders and obtained the option, with the sole purpose of turning over the lands, at a profit to himself, to the government of the Philippine Islands. Hence it is natural that our friends upon the other side do not care to have a discussion of this bill. No explanation of the reasons for these provisions, to which I have now alluded, in relation to the friars' lands, has been vouchsafed to us. Senators whose votes are expected to pass the bill are not interested in the discussion, and they do not care to be advised as to these pernicious features of this measure. When they vote for it they will not know, and do not want to know, the significance of their votes; and those Senators who now claim that nothing which can be said in this debate will change the vote of a single Senator upon this question doubtless would not be able to answer as to the meaning of any one of the most unusual powers conferred under this bill or as to the uses or ends to which these powers are to be employed.

I doubt very much if the Senator who said last night, "We care not what you say; it will not affect our votes upon this measure," could come into this Chamber and give an intelligent explanation of a single feature of this bill, not that he is not capable of doing so, but that he is indifferent as to its provisions or the effect of them. There are features of this bill which no Senator loving his country and fully appreciating their significance can, in my opinion, reasonably vote for, having a due regard to the interests of the people of the islands or of the people of the United States.

I want to refer to a statement in the testimony of Governor Taft. On page 184 of the Hearings before the Committee on the Philippines Governor Taft says:

> What we want to do is to develop the islands; and certainly the attraction of capital, by offering what will return a reasonable profit, is our policy; and the sale of lands in tracts sufficiently large to attract capital is an essential part of that plan.

That is the policy which is to be pursued by the government of the Philippine Islands after the passage of this bill. Its general significance is manifest in other parts of Governor Taft's testimony, when he says that 5,000 acres to a single individual or corporation has not been recommended by the Commission; that 10,000 acres may be inadequate; that one gentleman, desiring to embark in an enterprise in Mindanao, wanted at least 20,000 acres, and the Governor did not seem to be at all of the opinion that that quantity would be excessive. So we may have any number of acres that this government in the Philippine Islands may deem a sufficient inducement to foreign syndicates and capital to come to the islands for purposes of exploitation. That is to be the confirmed and established policy of the government of the Philippine Islands.

PERIL OF EXPLOITATION.

There have been some people in the islands who have not taken the view thus made manifest in the testimony of Governor Taft. Dealing with the question of Chinese immigration, which he deems would be disastrous in the extreme, General MacArthur, on page 111 of his report, says:

> In this connection it may not be improper to state that one of the greatest difficulties attending military efforts to tranquilize the people of the archipelago arises from their dread of sudden and excessive exploitation, which they fear would defraud them of their natural patrimony and at the same time relegate them to a status of social and political inferiority.

We have General MacArthur on one side and the government of the Philippine Islands on the other, and the Senate is now called upon to decide which horn of these two dilemmas it will take. And yet it seems that some of our friends do not care to hear any discussion of that important question. I do not say "all of our friends on the other side of the Chamber," because I can not make that imputation concerning men feeling the responsibilities which pertain to members of this branch of Congress, and I might say of both branches of Congress. We are thus warned by General MacArthur—and in this view he is corroborated by others—of the danger of entering upon a policy of exploitation. General MacArthur testified in still more emphatic terms upon this very question that the greatest evil that could happen to the islands would be to embark upon a policy of exploitation such as is announced by Governor Taft as the predetermined policy of the government of the Philippines, which we are proposing to institute by this bill. Well may every student of history, every lover of his kind, every man who prefers humanity to the demands of avarice, join in the opinion which is thus expressed by the general of our armies in the Philippines.

This whole Philippine government bill clusters about 76,000,000 acres of so-called public lands, constituting the archipelago, and the wealth and the resources which may be derived therefrom. It is not proposed to dispose of these lands for the benefit of the people most interested, the inhabitants of the islands, those people who are indigenous to that soil, and to whom, according to every principle of right and justice, they belong, but the benefit is to go to foreigners seeking enrichment. They are the people who look to this measure; and it matters not to them whether the passage of this bill and the putting of it into operation will inure to the peace of the islands, or to the welfare of their people, or to the interest of the United States, or to save and preserve the lives of our soldiers, so long as through its operation they can replenish their coffers with ill-gotten gains.

We have had within a few days a beautiful illustration of the very thing to which I now invite the attention of the Senate. In the course of our investigation in the Philippine Committee Governor Taft referred to the fact that a gentleman from Chicago had proposed to embark in an industry in the island of Mindanao. It furthermore appeared that he had made an exploration of that island, and it was ascertained there that by the acquisition of a large tract of land it could be devoted to the culture of the rubber tree, to the great profit of those who might engage in the enterprise. Of course, the inhabitants of Mindanao are non-Christian tribes; they are Moros. There are down

there about 300,000 slaves, more or less. They are a brave people; they are a fanatic people.

But it is necessary to subdue those people; it may be necessary to exterminate those people, because probably they can only be subdued by extermination or annihilation. A syndicate of nonresident stockholders can not make a profit out of the enterprise so long as that menace, that cloud, overhangs their operations in the island of Mindanao. What pernicious influence has been brought to bear upon the general commanding our Army or the subordinate commanders in the immediate vicinity of this field of contemplated exploitation I know not. I do not intend to do any injustice to anyone; but, seemingly, if we are to believe the messages emanating from the Administration responsible for this government, we are to understand that these are, substantially, the facts.

Those tribes of Moros never submitted to Spain, never acknowledged allegiance to her, except in a qualified way. At most Spain had but a suzerainty over them. In all their past they have been pursuing their own lines and their own methods of government, subject to their own traditions and forms of religion. Since the date of the Paris treaty there has been little or no disturbance there, and they have been proceeding in peace and quietude until the disturbing hand of the syndicator has thrust itself into their midst, and then what happened? A subordinate officer sends out a message to those people that now they must submit, that now they must submit to exploration, with the incidental and resultant exploitation. They must yield up their guns and ammunition and submit to the dictates of the representatives of the American Government. They must no longer stand as a menace to those who seek to take possession of their lands and devote them to their own uses and carry their wealth away to a foreign country. We invite you to do this in all kindness and benevolence. We do not want to have any bloodshed; but if you will thus submit and thus surrender all that is dear to you, you may have peace, else we will present the other alternative.

So he sends out his expedition, his criers in advance, calling upon the people to acknowledge the beneficence of the edict that he issued for their subjugation. They resist. Thereupon, without consulting Congress—which under the Constitution is supposed alone to have the power to declare war—seemingly without consulting the President of the United States, who, although he has no such power, is at least or ought to be the commander of the armies of the United States (whether he consulted the general commanding the armies in the Philippines we have no very definite information), the Army was sent out and the war was begun. A new declaration of war against between one and two million people, covering an island amounting to something like 30,000,000 acres!

WHAT CARES THE EXPLOITER?

It is said this island is as large as the island of Luzon. It was a large undertaking against a brave people, a fanatic people, ready to fight for what they conceived to be right. It was the beginning of a war which will involve the sacrifice of how many thousands of American soldiers we can only conjecture; involving the expenditure of moneys wrung from the American people by taxation to the extent of how many millions we can only estimate in the roughest possible way; involving all the brutalities and cruelties which seem to be necessarily incident to the waging of war in the Tropics.

What is that to one of these exploiters? What is that to a military satrap? What is that to the governor-general of the Philippine Archipelago? What care they for the welfare of the people in the distant islands? What care they for the welfare of the people of the United States? They (the exploiters) can see within their reach a few paltry dollars to enrich their coffers. What care they how many millions may be extracted from the Treasury of the United States or what treasures of blood are wasted?

The attention of the country will be called to these things, though the other side may remain vacant and silent, and I believe that ultimately the people of the United States will be aroused to the situation and will listen with attentive ears, and that they will be heard in a manner which will be surprising to those who now treat this question with indifference.

Then, we are informed, the President of the United States yesterday advised a suspension, and the word comes back that that will never do. Stop a war? Never. Stop a war never declared by Congress? What is Congress? Stop a war that the American people do not want? What are the American people? Stop a war and prevent the shedding of human blood and the sacrifice and slaughter of people who have given no offense? What care we for them? General Chaffee says it is necessary to do all this in order that we may have the respect of the Moros. Will we have their respect after we have slaughtered their people?

Mr. President, who would have thought, who could have dreamed, that scarcely more than a hundred years from the time our fathers laid the foundation of this Republic a bill like this could have been brought into the legislative body of this nation with any prospect of meeting with favorable consideration? The government of the Philippine Islands is to have all civil, judicial, and military power which it may, in its sweet judgment, believe necessary to govern 10,000,000 people and 76,000,000 acres of territory, coupled with a provision that the land, 76,000,000 acres, for which the American people paid, at least to Spain, the sum of $20,000,000, made as a donation to this oligarchy of absolutism, is to be disposed of for their own benefit and not for the benefit of any man, woman, or child in the United States or, I might add, in the land which is to be oppressed by them.

Are there any limitations upon the power of the government of the Philippine Islands? I should like anyone upon the other side to answer that question. [A pause.] There is no response. Is there any independent judiciary to safeguard the rights of all the people or any of the people or the property of anyone in the archipelago or elsewhere? Is it not absolutely dependent upon the will of the oligarchy known as the Philippine Commission? If anyone thinks there is, I would be glad now to have him make response to the interrogatory I propound. [A pause.] No; there is no independent judiciary. The judges are dependent for the tenure of their office and the amount of their salaries on this oligarchy. The judges are dependent for the jurisdiction they may exercise absolutely upon the will of this oligarchy. The judges are dependent for their existence in any given district upon the caprice and will of this oligarchy.

Any judge who may presume to exercise any jurisdiction derogatory to the wishes of the oligarchy may be supplanted the moment he undertakes to render his decision. When he has decided the question, and it is favorable to them, they may make it final and cut off the right of appeal to any superior tribunal, and if it is unfavorable they can remove him and put in a new judge who will grant to them what they wish.

ARMY NOT RESPONSIBLE FOR USE TO WHICH IT HAS BEEN PUT.

But, Mr. President, I am going to pass now from the questions relating immediately to the provisions of this bill to another subject, and I desire to premise what I say in relation to that by the statement that our Army originally sent to the Philippine Islands did not undertake the service which they have since been compelled to perform. Without undertaking to go into the history of our relation fully, I may state two or three things connected with it.

Men volunteered to achieve a given result in the island of Cuba in a war with Spain. That was achieved to the fullest possible degree. It was perfectly and in every regard finally accomplished on the 12th day of August, 1898, when the protocol with Spain was signed. Torture and cruelty and reconcentration and desolation we supposed had been put an end to, until on the 13th day of August—we did not know it, but it was true—the hand of avarice showed itself and a cablegram was sent to Dewey, "What are the islands worth to the United States if we retain them as colonies? What is their commerce, and what are their mineral resources, etc.?"

That was the question. Then a new policy was outlined. When we had completed the benign purpose which had brought the American people up to the point of making the declaration of war against Spain, we then entered upon a repetition of the history of the very cruelty and barbarism, of torture and oppression, of killing and extermination of which Spain had been guilty; and we did it deliberately, willfully, maliciously, with malice aforethought.

Every nation is endowed with the power of rational volition and must suffer the consequences for the failure to exercise it, and I am not willing to concede that the Executive Mansion is but a madhouse and that its occupant is not responsible for his acts, or that they are the result of incompetence and incapacity for government.

General Otis told us what happened. The Senators can read it in record of the investigation. General Merritt had agreed that while Aguinaldo and the so-called insurgents against Spain, who had cooperated with Anderson, should be shut out from their own city (Manila) and its gates should be barred to them, they might occupy up to a given line, and the Americans inside would occupy the territory inclosed by that line. That will be found in a letter of General Merritt bearing date the 20th day of August. The protocol of the 12th of August gave the United States the right to occupy the city, the bay, and the harbor of Manila, and nothing more. That protocol was communicated to our military commanders in the island and they were, of course, in duty bound to observe its stipulations.

Merritt was recalled. Otis succeeded to the control of the islands. He at once wrote a letter to Aguinaldo commanding him to retire from the lines which it had been agreed on with Merritt should be occupied, under penalty of employing force, and Aguinaldo, to maintain peace, withdrew in accordance with the command. On the 21st day of December, while there was

peace in the archipelago, while you could travel from one end to the other with safety to life and property—if we are to believe the reports of our commanders who visited the archipelago—the President himself issued an order to the Secretary of War, and through him to General Otis, before the treaty of peace with Spain was ratified, to extend the military authority immediately to every part of the islands. That was a declaration of war against the people in all of the islands outside of the city of Manila. But the Filipinos, greatly outraged by what they conceived to be acts of bad faith on the part of the Government of the United States, which had invited them at the beginning of the Spanish war to come to our assistance in waging war against a common enemy, refrained from hostilities.

HOW THE WAR BEGAN.

The investigation of this case shows that on the 4th day of February, just prior to the ratification of the treaty, from blockhouse No. 7, a Filipino patrol at a crossroads were told to halt by an American sentry but twice, while the ordinary rule was to call three times. But when the second call was made upon these men, who probably did not know a word of English, the firing began, and two of the patrol were shot dead upon the spot. The others returned to the blockhouse, and then there was great noise along the whole line, the firing of guns and of cannon. General MacArthur testified that the firing was so tremendous that he heard it in the city of Manila, beginning, as he stated in his testimony, at half past 10 at night, although the reports coming from the War Department fix the hour as at half past 8 in the evening. The next morning they were unable to report that a single soldier of the United States had been killed in that terrific battle. Not a single American officer or soldier was killed or wounded during the continuance of the firing throughout the whole of that night.

The message to the people of the United States announcing the beginning of hostilities, the Senate of the United States then having under consideration the question of the ratification of the Paris treaty, is said to have been put upon the wires two hours and a half before even the American sentries killed the Filipino patrol coming from blockhouse No. 7. In order to get time for the message to arrive here it was necessary to have the hostilities begin at half past 8, whereas according to the testimony of General MacArthur they did not actually begin until half past 10 on Saturday night, the 4th of February.

There was the overwhelming political necessity. There was the war that Congress did not declare. There was the war for which the American people are not responsible. There was the war begun not by any recognized authority emanating from the people of the United States. There was the war either begun by General Otis or begun by the President of the United States without the sanction of the sole repository of that power under the Constitution.

Not only that, but the next day, when the Filipinos had scarcely fired a gun, or at least had fired no effective shots, and they appealed for a suspension of hostilities, the substantial fact is that the message sent back to them was that the war having begun it must continue. General Otis said that those people did not expect that the hostilities would begin so soon and acted upon the defensive.

We have been charged with grave responsibilities in connection with this tragedy. I am going to let the facts speak and let them carry their necessary weight of responsibility and let that weight rest where such facts legitimately place it. It will add nothing to the strength of any argument to impugn motives or to charge consequences growing from facts the responsibility for which is fixed beyond the shadow of a question.

SPANISH GOVERNMENTAL MACHINERY.

Mr. President, what has happened since then? We have here a bill creating departments, subordinate bureaus, officials with perquisites and salaries without limitation, and school-teachers ad libitum, and governors-general, and vice-governors, and viceroyalties, and military satraps—a complication of Spanish machinery the like of which no American ever dreamed of in his life, and which to him, in view of our experiences, is utterly incomprehensible. How vast and how intricate this machinery of extortion and plunder will be when this law shall be passed no human being can adequately make prophecy.

Read the report of the Commission in regard to the character and variety of the taxation which is to be extorted from those people. There are the land tax, the cedula tax, the poll tax, the excise tax, the tariff tax. Who will pay those taxes? They all go into the coffers of the United States Philippine government—a parasite, but a parasite of gigantic proportions, feeding itself and feeding nobody else, feeding upon the body politic and eating out its substance like some slimy worm rioting amid the wreck of the fortunes of the Filipino people. What a benevolent despotism of greed is this! Upon what is this exploitation to operate? Upon a hopeless, despairing people, stricken victims of a policy as cruel as ever history depicted or the tyranny of man could devise and perpetrate.

CHARACTER OF PEOPLE.

We know now, although it has been repeatedly, time and time and time again, officially denied by the Secretary of War, that this war has embraced features of barbarism and cruelty and torture equal to any in the history of the most barbarous peoples in the blackest ages. I am going to tell some of the things that have happened. It is all here in these books. If anyone denies any statement I make, I will take the time to put the conclusive proof in the RECORD. General MacArthur says that these people are a hospitable people, and Governor Taft says the same—that when they invite you into their homes and say it is yours they mean it. They are a sensitive people. Filial affection and parental care are developed as among the most prominent traits.

The parents love their children, and the children respect their parents. Under tremendous difficulties they have made great progress in the mechanic arts. They are artists to the manner born, and they are musicians of a high order of ability. In their households they maintain cleanliness and sobriety, and practice many virtues which are not practiced even by some more civilized people. Such is the testimony of those who have recorded the character of these people before the war and since the war, and it comes from the very people who have been the authors of many of the misfortunes of the Filipinos.

Mr. President, that country was inhabited originally by the Negritos, afterwards by the Malays and Moros, who dwelt there from time immemorial. The Spaniards found them there, and when three hundred years ago the Spaniards went there they found in Luzon a people who had an alphabet and a written language. Those who have more recently gone there declare that almost without exception every person above the requisite age is capable of reading and writing in some language, either in the Spanish or in the native dialect. These are not a barbarous nor a savage people. I refer to the masses of the inhabitants. Of course, like every other people, there will be found among them men of the criminal and degraded and brutal class, the robber and the thief, and the murderer, and the like, but those are sporadic cases. Judging the people by the general character which has been given to them by disinterested and impartial observers who have dwelt among them, they are people who have attained, under the most extraordinary difficulties, a pretty high degree of civilization compared with the races and peoples in that latitude.

BARBARISM AND CRUELTY.

Mr. President, the war was begun in the manner which I have pointed out. Those who came in conflict with the American troops were slaughtered. It finally developed that no wounded were left upon the field. I say no wounded because the official reports of the wounded among the Filipinos do not disclose any wounded to speak of. Whether the marksmanship of the American troops was so unerring that in every instance they struck the fatal spot—a theory which was propounded in the testimony of General MacArthur—I must leave the Senate or those interested in this question to determine. Whether the Filipinos, shot down by hundreds and thousands, were enabled under the pressure and speed of the American troops to carry away their wounded, according to an alternative theory propounded in the testimony of General MacArthur, I submit to the fair consideration of the judgment of those who are to pass upon this question.

Certain it is, Mr. President, that our troops swept those people from the face of the earth in hundreds and in thousands. I commend the official reports of General MacArthur and other generals as to the relative proportion of killed and wounded on the American side, which is normal, to the killed and wounded on the Filipino side, which discloses practically no wounded at all.

That is one phase of this war. As it progressed the policy of those who had control of it, according to the testimony of General Hughes, became stiffer and stiffer, to use his exact language. It became progressively more severe, and when you look back at the earliest stages of that war you wonder what that signifies. But we find out what it signifies.

First, the war was waged against men in arms, and they were slaughtered. Next it became stiffer by waging it against men and women and little children. Next it became stiffer by the burning of the villages and, irrespective of age, sex, or condition, sweeping the land of every vestige of shelter and of food. Next it became still stiffer, following precedents of the Dark Ages, when tyrants resorted to excruciating torture to compel information and inflict punishment against people struggling to be free—tortures devised under the supervision of a Torquemada and the Inquisition; tortures employed by a Phillip the Second in the Netherlands; the water torture, and other hideous tortures so infamous that modern language fails to furnish terms in which to

adequately and properly characterize them were applied to the racking of the nerves of a sensitive people, loving justice, music, and the higher arts of civilization.

But the Secretary of War has denied this, and General Funston, coming back from the midst of its very universal practice, said, "It is an atrocious lie," and proceeded to describe it in a manner which showed his familiarity with the practice as it prevailed in his presence. These denials have been so impudent that it has really been astonishing that they could be made in the face of the overwhelming testimony of the universal and systematic practice of these brutalities everywhere where our soldiers penetrated in the Philippine Islands.

Why, Governor Taft knew about them, sitting as he did in the city of Manila, not out upon the field, not out where they were practiced. What does he say? On page 75 he said:

What I am trying to do is to state what seemed to us to be the explanation of these cruelties——

Mr. JONES of Arkansas. Whose statement is that?

Mr. RAWLINS. Governor Taft in his testimony before the Philippine Committee. He said:

What I am trying to do is to state what seemed to us to be the explanation of these cruelties. That cruelties have been inflicted; that people have been shot when they ought not to have been; that there have been individual instances of water cure, that torture which I believe involves pouring water down the throat so that the man swells and gets the impression that he is going to be suffocated and then tells what he knows, which was a frequent treatment under the Spaniards, I am told—all these things are true. There are some rather amusing instances of Filipinos who came in and said they would not say anything until they were tortured; that they must have an excuse for saying what they proposed to say.

That is Governor Taft. That testimony was given February 4, 1902, when Governor Taft was in attendance before the Philippine Committee. General Hughes testified that they burned the towns, and he testified that the shacks which they burned were not of much consequence. In answer to this question:

If these shacks were of no consequence what was the utility of their destruction?

General Hughes said:

The destruction was as a punishment. They permitted these people to come in there and conceal themselves and they gave no sign. It is always——

Senator RAWLINS. The punishment in that case would fall, not upon the men, who could go elsewhere, but mainly upon the women and little children.

General HUGHES. The women and children are part of the family, and where you wish to inflict a punishment you can punish the man probably worse in that way than in any other.

Senator RAWLINS. But is that within the ordinary rules of civilized warfare? Of course you could exterminate the family, which would be still worse punishment.

General HUGHES. These people are not civilized.

General MacArthur, Governor Taft, Mr. Foreman, superintendent of schools; Mr. Barrows, and a multitude of witnesses who have lived and been associated with those people say that they have attained quite a high degree of civilization, and in any event they are a sensitive, high-strung people, who maintain the ways of civilized life, and that almost all of them can read and write, and all of them can sing and play upon musical instruments in a manner that stirs the æsthetic soul to delight. General Hughes gives the excuse that they were not civilized.

Senator RAWLINS. Then I understand you to say it is not civilized warfare?

General HUGHES. No; I think it is not.

This warfare, then, was not civilized warfare. We have the testimony of General Hughes given under oath, not a willing or favorable witness, on the theory of questioning the policy of the Administration of the dominant party, as given on page 481 of his testimony:

Senator RAWLINS. You think it is not?

Then somebody suggested that "in order to carry on civilized warfare both sides have to engage in such warfare."

Yes, sir; certainly. That is the point—

General Hughes said, after this suggestion of assistance to him.

That is not all. Farther on he said that he had heard while in the islands more than three years of one case. You will find it in the final report of his testimony. General Hughes during all his experience in the islands had heard of one case of the infliction of the water cure, and General Hughes said that the people who inflicted it were not punished, but they promised never to do so any more.

Mr. MONEY. Mr. President, if the Senator from Utah will permit me to make an inquiry before he passes from that part of his argument, I desire to ask him, moved thereto by the passage he has just read from the testimony, whether the officer who testified, or any member of the committee thought that self-respect and decency and the honor of this nation were not involved in violating the rules of warfare, even against savages, especially the use of tortures, inhuman cruelties, toward inoffensive children and the burning of homes in order that men might be punished?

Mr. RAWLINS. Mr. President, this Philippine policy shows what strange and incredulous things will happen. People who in 1898 would have been shocked beyond measure and would have been moved to tragic indignation have become so familiar with these scenes of blood and torture practiced under the authority of our Government, beneath the shadowy folds of the Stars and Stripes, that some of them seem to have become utterly indifferent to the inflictions of tortures which are so hideous that they would then have moved the Senate to wage war against the most powerful nation on the earth rather than to tolerate their infliction.

The Senator from Mississippi asks me if I am moved. I can say that as I have seen these things developed, and as I have considered them day by day I have been overwhelmed until I have scarcely believed that I could be able to talk about them with patience. I can only speak for myself, and I commend the Senator from Mississippi to read the palliating questions and excuses offered by others upon the committee for the most infamous thing that anyone can conceive of in the way of torture and perfidy.

Why, Mr. President, I have been surprised, and I disclose nothing which is secret, that those who care to do so may read this testimony and find how difficult it was from unwilling witnesses to gain shreds of truth in fragments, dragged out as if it were an act of treason to propound the question, and the constant interruptions interjected, and the interference of members of the committee to prevent the disclosure of the truth and conceal this hideous iniquity from the knowledge of the American people.

Mr. MONEY. Mr. President, if the Senator will again permit me, answering me fully now, I hope I may be permitted to express the hope that if there is a single member of the committee who entertains the idea that this civilized nation is permitted to practice cruelties and barbarities and to violate the rules of civilized warfare in fight even with savages, he will make an explanation on this floor and give his opinion in full, and I shall ask the privilege of replying to that gentleman.

Mr. RAWLINS. Mr. President, most all of you have read the Commentaries of Cæsar, as he dealt with barbaric peoples in Gaul and in Germany, and in the course of those commentaries we have read how severe he waged that war, sometimes in open battle, wiping out nations of people; but, Mr. President, you will search the lids of that work in vain to find an account of any such cruelties as have been practiced, according to the admitted testimony of our soldiers and our armies, in the Philippine Islands.

Mr. President, there was torture in old Rome. After Cæsar was assassinated and some tyrants seized possession of the reins of government, overthrowing the republic, a conscription list was issued, under which Cicero, the great orator, philosopher, and statesman, was beheaded, as according to some modern suggestions some other people ought to be beheaded or hanged. When they sought to carry out their proscription in one instance Quintus Cicero, who had fought bravely in the armies of Rome and upheld the standard of the Roman Republic, was also one of those designated to death. As they were seeking to find him in the city of Rome they seized his son and inflicted upon him this torture, until by his screams reaching the ears of his father he came forth and both were put to the torture and to death. But every one who has read that instance in history has been horrified at it and wondered how in a civilized country such things could possibly be.

Mr. President, we have taken the sovereignty of Spain, it is said, over the Philippine Archipelago, and our friends on the other side have maintained that it is such a rightful sovereignty that when it passed to us under general grant and general cession we possessed it also as inviolably as did Spain, and that we did not acquire it to be administered according to the precepts of our Constitution and the traditions of our history, but that we have acquired it to rule with an iron hand and by the methods of Spanish cruelty and despotism.

Ah, Mr. President, what an awful thing this is! I commend it to the conscience and to the considerations of humanity, if such thing may happen to lurk still in the breast of the American people. But, I have not told all. I am not charging the American soldier in the ranks, sent hither to fight an unhonored battle, to engage in a war which would not and could not commend itself to his sense of propriety and justice. I am making no indictment of the men who have thus, under the commands of superiors, been led against a people struggling to be free. I am making no charges of isolated cruelty for the purpose of arraigning any man who has volunteered in the service of his country.

Mr. President, I would be guilty of arrant cowardice if I should undertake to break my shafts of criticism against those men who have been but the tools of an iniquitous policy, because the evidence has developed until it is overwhelming and incontrovertible that these practices in the islands have been widespread and systematic, and approved by the military superiors, not by the subordinate commanders. I invite Senators to look over one of these reports, a list of about forty charges made against American soldiers for misconduct in the Philippine Islands. The testimony is now uncontroverted and incontrovertible, from Governor Taft and from witnesses whose credibility is beyond dispute, to which

I shall call attention later. In a report of the governor of Tayabas, Major Gardener, who served in the volunteer forces, he reported that in his province American soldiers and officers had so repeatedly inflicted the torture that it rendered it impossible for him to maintain peace under the civil government.

Mr. President, of those 40 charges made in the manner which I have stated you will not find a single instance of a man arraigned upon the charge of inflicting the torture known as the water cure. We find that certain methods of torture there, mild in their character, were not approved—for instance, for hanging a Filipino by the neck for a few minutes. A soldier was convicted upon the trial, and his punishment was a reprimand.

Mr. CARMACK. An officer.
Mr. RAWLINS. An officer.
Mr. CARMACK. Two officers.
Mr. RAWLINS. Two officers.
Mr. CARMACK. Two different cases.

Mr. RAWLINS. Two different cases, and they were subjected to the severe penalty of a reprimand. In the Army (those on the other side who are more familiar with military law than myself can correct me if I am wrong) there is an officer known as the judge-advocate, and I want to know if it be not true that the judge-advocate in the Army is something like the attorney-general or a district attorney or a prosecuting attorney in the practice of civil government, whose duty it is to prosecute persons charged with crime and who has to a very large extent the fate of any man who is arraigned in his own hand, who can present testimony against him and appeal in good earnest for his conviction, or if he chooses can set him free.

General Hughes had a judge-advocate, a prosecuting attorney by the name of Glenn. He was first a captain. Then he was, as the official records show, promoted for faithful and diligent service in the cause of his country. This is a sample piece. Of course they might be multiplied indefinitely.

I want to call attention to one case. We had a report, No. 11, upon this case from the War Department. Before reading it I want to invite the attention of the Senate to what the Secretary of War said a few days ago. He has said it officially in a letter to the chairman of the Committee on the Philippines, dated February 17, 1902. He said:

WAR DEPARTMENT, *Washington, February 17, 1902.*

DEAR SIR: In reply to your letter of Saturday, the 15th instant, received yesterday, asking information regarding the reports and charges in the public press of cruelty and oppression exercised by our soldiers toward natives of the Philippines, I send you a number of documents, which I think will furnish the information you wish. Every report or charge of this description which has at any time been brought to the notice of the War Department has been made the subject of prompt investigation; and among the inclosed papers you will find the records of 13 such inquiries in which the results have been reported.

You will perceive that in substantially every case the report has proved to be either unfounded or grossly exaggerated. The particular report which was called to the attention of the Senate last week, viz, that the "water cure" is the favorite torture of the American, and especially of the Macabebe scouts, to force the natives to give information, and that a soldier who was with General Funston had stated that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died, was already under investigation, which is still in progress.

Then he alludes to the fact that General Funston, in a letter which accompanies this document, had branded these insinuations as atrocious lies. Among the cases which the Secretary of War gives us in this report No. 11 is the following, found on page 20:

No. 11.

In a letter written by Sergt. Charles S. Riley, Company M, Twenty-sixth United States Volunteer Infantry, which was published in the Northampton, Mass., Herald, about March 8, 1901, in which letter the soldier related various crimes of violence against natives, it was stated that the "water cure" was administered to extort information, and that the town of Igbaras, Panay, was burned to the ground. This publication called forth a number of letters to the Department protesting against such outrages. One letter, from Isaac Bridgeman, dated Northampton, Mass., March 13, 1901, was on March 19, 1901, referred to the commanding general Department of California, for reference to the commanding officer Twenty-sixth United States Volunteer Infantry, upon its arrival in the United States, for report. This letter was returned by indorsement of the commanding officer of the Twenty-sixth United States Volunteer Infantry, dated April 24, 1901, with his report, as follows:

[Fourth indorsement.]

HEADQUARTERS TWENTY-SIXTH INFANTRY,
UNITED STATES VOLUNTEERS,
Presidio of California, ——— —, —.

Respectfully returned.

Sergeant Riley, Company M, Twenty-sixth Infantry, United States Volunteers, states that the publication inclosed was of a private letter and without any authority whatever. The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated.

Undoubtedly there were violations of the rule and custom of war; and as the complainants may have overlooked notice thereof, I shall state a few cases within my personal knowledge. In November, 1899, at Jaro, a large flag of truce was used to entice officers into ambush. By order of the commander all persons displayed white flags in the country where our troops operated. This was not for protection, but to give warning to insurgents to hide their guns and disguise themselves. Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities at Calinog. Private Nolan, at Dingle, was tied up by the ladies while in a stupor; the insurgents were sent for and cut his throat with a sangut. The body of Corporal Donehy, of Company D, was dug up, burned, and mutilated at Dumangas. Private O'Hearn, captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up.

Lieut. Max Wagner was assassinated on the road to Pototan, October 1, by insurgents disguised in American uniforms. These are only a few instances confined to this regiment. Atrocities committed by Sandatajanes or Pulajanes are too numerous to mention. Details can be furnished of the butcheries at Leganes and Mina and of burial alive near Barotac Nueva. The conduct of the American troops in the Philippines has been so humane as to be a continued source of surprise to all foreigners and to the natives. Although General Orders, No. 100, has not been revoked, its provisions against treachery, according to the law and custom of war of all civilized nations, have never been applied to my knowledge.

J. T. WICKMAN,
Lieutenant-Colonel Twenty-sixth Infantry,
U. S. Volunteers, Commanding.

Mr. President, I have here in my possession a letter written by the Assistant Adjutant-General of the War Department to a private citizen, which reiterates the statement that this charge, claimed to have been made by Sergeant Riley, had been thoroughly investigated; that it was absolutely untrue, and that Sergeant Riley had denied it. That is a sample of a book full of similar investigations. How much reliance can be put on any one of these will be disclosed by the facts which I shall now lay before the Senate. for I think I am justified in taking sufficient time to lay them before the Senate. Before I refer to the testimony I took before I had this witness summoned I will say that I did not want to do any injustice to the Army of the United States or to any individual associated with that Army, and I caused inquiry to be made as to the credibility and responsibility of the men whom we summoned as witnesses. In regard to Sergeant Riley himself, I read this letter:

132 NORTH ELM STREET, NORTHAMPTON, MASS.,
April 3, 1902.

Mr. HERBERT WELSH.

MY DEAR SIR: Mrs. John Storer Cobb, of Northampton, has requested me to write to you as to the character of Sergt. Charles Riley, of Florence, Mass., for truthfulness. I have known Mr. Riley all his life, and am happy and confident in saying that I should regard his testimony on any matter on which he has had opportunity to inform himself entirely reliable and conclusive.

If you wish other witnesses to his integrity you may write to Mr. George H. Ray, treasurer Nonotuck Silk Company; Mr. Frank N. Look, treasurer of Florence Manufacturing Company, and Mr. George H. Bliss, postmaster, all of Florence, Mass. You may write to all the people in Florence and will get for him (Mr. Riley) substantially the indorsement I have given.

Truly, yours,

E. G. COBB,
(For thirty-five years pastor of Florence Congregational Church).

That is one of the witnesses who is charged particularly by the War Department with having "drawn the long bow," as circulating atrocious lies, to screen culprits in the island, creating the impression that this man was slandering and lying about his fellow-soldiers who were rendering service in the Philippine Islands. What is the story of Sergeant Riley told here? I am not going to read all of it, though I ought to put it all into the RECORD. I shall, however, read a portion of the testimony found on page 1527.

Q. You have given your place of residence, I believe.
A. Northampton, Mass.
Q. When did you arrive in the Philippine Islands?
A. October 30, 1899. That is, we arrived in the harbor of Manila on the 25th ,and we arrived at outstation October 30.
Q. When did you leave?
A. I went aboard the vessel March 4, 1901, and we sailed the next day.
Q. And when did you arrive in San Francisco?
A. April 20, 1901.
Q. During your service in the Philippine Islands, what position in the Army did you hold?
A. I held all the positions from private to first sergeant. I was discharged as the first sergeant of the company.
Q. During your service there did you witness what is generally known as the water cure?
A. I did.
Q. When and where?
A. On November 27, 1900, in the town of Igbaras, Iloilo Province, Panay Island.
Q. You may state, Mr. Riley, what you saw in that regard.
A. The first thing I saw that I thought was anything out of the ordinary, in going into the quarters from downstairs——
Q. Let me premise that, perhaps. Was your company stationed at Igbaras?
A. One detachment of 15 men garrisoned the town.
Q. And what building did you occupy?
A. It was known as the convent—the convent in connection with the church. It was a convent or a school.
Q. Did you occupy the first floor or the second floor?
A. We occupied the entire building.
Q. The entire building?
A. The entire building.
Q. You may state whether there was an upper floor.
A. There was. Downstairs it was a stone building, with stone floors, and then there was a second story; it was two stories, and we occupied the upstairs with our quarters.
Q. How was the second story reached?
A. By stone steps.
Q. You may state whether or not there was a corridor at the head of the stairway.
A. There was a corridor on the right, and then we went through another corridor into the room we called our squad room, known as the quarters of the soldiers.
Q. Did you arrive there the morning of the 27th?
A. Yes, sir; at daylight.
Q. Who were with you at the time you arrived there?
A. There were from 12 to 14 men of Company M, Twenty-sixth Infantry

and about 40 men of the Eighteenth United States Infantry, a mounted detachment, known as the Gordon Scouts.

Q. Did you pass into the upper story of this building?
A. What is that, sir?
Q. Did you pass that morning into the upper floor of this building?
A. Yes, sir.
Q. What soldiers and officers were there?
A. Taking all the men, there must have been about 40 of the Twenty-sixth and about an equal number of the Eighteenth Infantry, regulars, about 40 of each.
Q. About 80 men in all?
A. Yes.
Q. Who commanded your company?
A. Captain McDonald, of the Twenty-sixth Infantry—Capt. Fred McDonald.
Q. What other officers connected with the regulars?
A. Captain Glenn, captain, Twenty-fifth United States Infantry, judge-advocate Department Visayas, commanded the forces, consisting of detachments of Eighteenth United States Infantry and the Twenty-sixth United States Infantry Volunteers.

The judge-advocate, the prosecuting officer upon the staff of General Hughes, the department commander.

Q. Was he judge-advocate under General Hughes?
A. Yes; that was General Hughes's department. Then there was Lieutenant Conger, commanding the scouts, and the contract surgeon, Lyons.
Q. Did you pass up the stairway into the corridor above that morning, into the main hall?
A. Yes.
Q. And as you passed up, you may state what you saw.
A. I saw the presidente standing in the——
Q. Whom do you mean by the presidente?
A. The head official of the town.
Q. The town of Igbarras?
A. Yes, sir.
Q. A Filipino?
A. Yes, sir.
Q. How old was he?
A. I should judge that he was a man of about 40 or 45 years.
Q. When you saw him, what was his condition?
A. He was stripped to the waist; he had nothing on but a pair of white trousers, and his hands were tied behind him.
Q. Do you remember who had charge of him?
A. Captain Glenn stood there beside him and one or two men were tying him.
Q. You may state whether or not there was a water tank in the upper corridor.
A. Just at the head of the stairs on the right there was a large galvanized-iron tank, holding probably 100 gallons, about 2 barrels. That was on a raised platform, about 10 or 12 inches, I should think, and there was a faucet on the tank. It was the tank we used for catching rainwater for drinking purposes.
Q. As you passed up, did you pass through the corridor into the hall?
A. Yes; directly through the hall into the squad room.
Q. Into the squad room?
A. Yes, sir.
Q. And you may state whether or not soldiers were passing up and down.
A. Yes, sir; men were congregated around the door, and they were passing back and forth from downstairs upstairs and from upstairs downstairs.
Q. You first saw the presidente under the condition you describe, with his hands being tied behind him?
A. Yes.
Q. What else did you observe being done with him?
A. He was then taken and placed under the tank, and the faucet was opened and a stream of water was forced down or allowed to run down his throat; his throat was held so he could not prevent swallowing the water, so that he had to allow the water to run into his stomach.
Q. What connection was there between the faucet and his mouth?
A. There was no connection; he was directly under the faucet.
Q. Directly under the faucet?
A. Directly under the faucet and with his mouth held wide open.
Q. Was anything done besides forcing his mouth open and allowing the water to run down?
A. When he was filled with water it was forced out of him by pressing a foot on his stomach or else with their hands.
Q. How was his mouth held open?
A. That I could not state exactly, whether it was by pressing the cheek or throat. Some say that it was the throat, but I could not state positively as to that, as to exactly how they held his mouth open.
Q. About how long was that continued?
A. I should say from five to fifteen minutes.
Q. During the process what officers were present, if anybody?
A. Lieutenant Conger was present practically all the time. Captain Glenn walked back and forth from one room to the other, and went in there two or three times. Lieutenant Conger was in command of water detail—

They had a regular water detail—

it was under his supervision.
Q. You may state whether or not there was any Filipino interpreter present.
A. There was a native interpreter that stood directly over this man—the presidente—as he lay on the floor.
Q. Did you observe whether the interpreter communicated with this presidente?
A. He did, at different times. He practically kept talking to him all the time, kept saying some one word which I should judge meant "confess" or "answer."
Q. Could you understand what was said?
A. No, sir; I could not understand the native tongue at all.
Q. At the conclusion, what then was done?
A. After he was willing to answer he was allowed to partly sit up, and kind of rolled on his side, and then he answered the questions put to him by the officer through the interpreter.
Q. You say they pushed the water out of him. How was that done; what was the process?
A. I did not see the water forced from him. Some said it was forced by the hand, and others by placing the foot on the stomach; I didn't see the water forced from him.
Q. You did not see that?
A. No, sir.
Q. After he got up what did you next see?
A. It was after he gave all the desired information. He was then untied and allowed to dress, and taken downstairs in front of the quarters.
Q. Where did they take him?
A. They took him downstairs outside the building, and he stood in front of the building, waiting for his horse. He was to guide the expedition up into the mountains.
Q. While standing on the sidewalk what took place?
A. More information was sought for; and as he refused to answer, a second treatment was ordered.
Q. Where were you at that time?
A. I was in front of the building at the time, on the sidewalk.
Q. In front?
A. Yes; on the stone walk. They started to take him inside the building and Captain Glenn said, "Don't take him inside. Right here is good enough." One of the men of the Eighteenth Infantry went to his saddle and took a syringe from the saddlebag, and another man was sent for a can of water, what we call a kerosene can, holding about 5 gallons. He brought this can of water down from upstairs, and then a syringe was inserted, one end in the water and the other end in his mouth. This time he was not bound, but he was held by four or five men and the water was forced into his mouth from the can, through the syringe.

By Senator BURROWS:

Q. Was this another party?
A. No; this was the same man. The syringe did not seem to have the desired effect, and the doctor ordered a second one. The man got a second syringe, and that was inserted in his nose. Then the doctor ordered some salt, and a handful of salt was procured and thrown into the water. Two syringes were then in operation. The interpreter stood over him in the meantime asking for this second information that was desired. Finally he gave in and gave the information that they sought, and then he was allowed to rise.
Q. May I ask the name of the doctor?
A. Dr. Lyons, the contract surgeon.
Q. An American?
A. Yes, sir.

By Senator RAWLINS:

Q. Was it Captain Glenn who said not to take him in?
A. Captain Glenn.
Q. Did he make any other command before that at that time?
A. Not that I know of.
Q. Not that you recall?
A. No.

Without taking the time to quote further, when Sergeant Riley arrived at San Francisco he testified that he was summoned before Colonel Dickman, who made the report to the Secretary of War to which I have referred; that Colonel Dickman asked him if members of his regiment or company had taken part in this water cure, and that he said they had not. Colonel Dickman asked him if he had seen the water cure inflicted, and he said that he had. Thereupon it seems that Colonel Dickman made the report to the Secretary of War, to the effect that Sergeant Riley and others had denied that the members of his regiment had taken any part in the infliction of the water cure, but made no reference to the statement which Riley made to him, to the effect that he had seen the water cure administered and that it had actually occurred.

William L. Smith, a corporal in the same company, came and testified substantially to these same facts, and in addition thereto testified to the infliction of the water cure on two policemen on the same day in question by the water detail under the direction of Captain Glenn, the judge-advocate on General Hughes's staff.

H. A. Davis, a man evidently frank and truthful, and manly in every way in his appearance, appeared and testified to these inflictions of the water cure upon the presidente or mayor of Igbarras and the infliction of it upon the policemen by the regular water detail. In addition thereto he testified, that on the same day Dr. Lyon went into the schoolhouse, and presenting a pistol at the head of the schoolmaster or school-teacher, threatened his life unless he made a certain statement which was demanded of him by Dr. Lyon. Thereupon they obtained the statement, whatever of truth there may have been in it.

We pressed this matter, and could have produced witnesses without number in support of these same facts showing that this torture was inflicted in public in the presence of numerous men, and under the direction of the judge-advocate on the staff of General Hughes, until one member of the majority of the committee arose in his place when it was proposed to make further investigation of this matter and declared that he would object to any further testimony upon a fact which was proved conclusively, and concerning which there was no dispute. So that the committee at this point have decided to call no more witnesses in support of the facts which I have now detailed to the Senate, on the ground that they are conclusively proved to be true.

This is not all that those witnesses testified to. This company of the Twenty-sixth Volunteer Infantry were at the town of Igbarras for seven months, the months prior to the 27th of November, 1900, and until the approaching March, 1901. They stated that during that time there were 15 men in that garrison. They also stated that there had been no trouble, no assault committed upon any American soldier; that that community had been peaceable. It was a town of 10,000 inhabitants and was in a district which contained about 25,000 inhabitants. These scouts—the Gordon Scouts—and Captain Glenn appear upon the scene early in the morning of the 27th of November, 1900.

Seemingly, according to this testimony, they desired to establish certain things, namely, that the mayor of the town was in reality disloyal to the United States; that the policemen of the town were not acting in good faith in maintaining the peace; that

in some way or other they were rendering aid, directly or indirectly, to the insurrectos in the field. In the morning officers were sent out, who arrested the mayor of the town. He was dragged in and stripped, and Captain Glenn, the judge-advocate, decided to prove his case, and when he had proved his case he decided to inflict the penalty. How did he prove his case? He took the poor old man and stripped him, brutally laid him down upon his back under a faucet, thrust a stick in his mouth to keep it open, and let the water run in until he was filled. According to the testimony of these witnesses, his eyes became bloodshot, and he shrieked in pain and agony.

While in that situation, the interpreter, doubtless compelled to perform this infamous service, stooped over him and said, "Confess, confess." It makes us think of Copernicus when he was subjected to the torture and thrown down. They wanted him to announce that the world did not revolve upon its axis, and was promised if he would say so that they would let him go, or else they would take his life, and he, refusing to say so, they took his life. So this presidente was tortured until he was compelled to say what these men wanted him to say. If he had not said it, what would have happened to him we can only conjecture; but, being unable to endure that form of torture longer, he said what they desired he should say. He declared that he himself was a traitor and was communicating with the insurrectos in the field.

Not satisfied with that, they wanted to get corroborating testimony. They doubted the credibility of this witness, and the testimony elicited in this way, in this sort of judicial proceeding, by the judge-advocate, a prosecutor of the Army. So they wanted corroboration, and they arrested two policemen, and throwing them down and placing over them the interpreter, tortured them and wracked their nerves until they shrieked with agony and pain, and, to obtain relief, were compelled to give testimony, doubtless in corroboration of the testimony of the mayor.

Still they were not satisfied. They wanted the more credible testimony of the school-teacher of the town, and an Army contract surgeon, under the direction of Captain Glenn, visited the place where the little children were congregated, and, as an example of the beneficence of the administration of the American Government to the rising generation of the Filipinos, branished his weapon, and putting it at the head of the teacher in the presence of the pupils, said: "Confess! Confess that you are a traitor; that your people are traitors;" and under danger of death thus threatened in the presence of the little children, he doubtless confessed, whether to the truth or a falsehood I know not and care not. In that way the testimony of the presidente was corroborated by the policemen, and the policemen were corroborated by the school-teacher, and what was the penalty? They sent the old man to prison. They sent him away to Manila, and he is doubtless now in that infamons Spanish den, languishing away his days, convicted by a judge-advocate representing the authority of the American Republic, based upon testimony extorted thus and corroborated only in the same way.

What were the other penalties? There were 10,000 men, women, and little children in that town. That evening, at 8 o'clock, a most opportune hour, direction was given to the soldiers to proceed to the head of the town with an interpreter and go along the street with all speed and begin the work of destruction, burning the village, beginning at the top; and the only notice of it as they marched up the street was that the crier called out to such people as heard him that they were going to burn the town. They got to the top of the town and they began the work of destruction. The torch was applied to every house, and they were all destroyed with the exception of 15. Ten thousand people who had committed no offense whatsoever against any human being, so far as anything disclosed in this case is concerned, had their homes wiped from the face of the earth. Men, women, and children were turned out to starve; yes, their provisions destroyed, their household effects destroyed, everything except that which they had upon their person, if anything, destroyed.

These men, women, and little children were the victims of this "stiffer" policy of General Hughes, and I have read to you already the excuse General Hughes gave. He said, "Yes; we burned the town. The best way to punish the man is to punish the women and children." The most effectual method of bringing to terms a parent who loves his child is to inflict torture and punishment upon his unoffending offspring. Why? Because the War Department and Colonel Dickman tell us some cruel things had happened, mentioning three or four instances which are named in the report, and when they are made the subject of scrutiny and inquiry what do we find? The nearest one of those that happened was more than 40 miles away. The War Department said the wrong was inflicted by insurgents, but the testimony showed that the cruelty was inflicted by robbers, or common murderers and plunderers, and not by insurrectos. But nobody claims that the people in this town had the slightest connection with any of those things. Still the town was destroyed and their leading men carted away and put into prison, where they are now languishing.

They did not stop with burning the barrios. On the same night they proceeded out to a little hamlet and wiped from the face of the earth the habitation of men, women, and children. They went 12 miles away to another town of 12,000 and burned it to the ground, and not a vestige remained. They went elsewhere and continued this work of death and desolation in order to give those people a benign example of American administration! Oh, that is not all. We have it now plainly upon the official records. This was in the island of Panay, in the province of Iloilo. It was made a howling wilderness, and the people were tortured.

Then they jumped over to Samar. We find in the official reports, and I have not time to read them, but I will verify every statement I make by the official record if anyone desires me to do so, that General Smith took charge in Samar, under command of General Chaffee. We find General Chaffee declaring to him in substance, as shown by his report, "Wage this war vigilantly; yes, relentlessly; yes, wage it according to your own discretion; enjoin upon your subordinate commanders to employ the utmost severity; proceed, and use your own discretion. These are not civilized people." General Hughes said they are not. "This is no longer civilized war." The Articles of War, issued under the high authority of Mr. Lieber, of the War Department, are cast to the winds, although they are sent to us by the War Department as a proof of the humane character of the war. It is no longer civilized war, and he was commanded to do those things.

Among other subordinates was Lieutenant or Captain Waller, and after Waller had gone over the island and dispensed death and desolation General Smith in an official order recommended his promotion. General Smith issues his commands in conformity with the command of General Chaffee. He immediately issued an edict to the effect that all the people are presumed to be traitors and public enemies, and are to be dealt with as if in open arms unless they can conclusively show their loyalty; and there are three methods alone by which they can make that proof. Little children, women, and men must conclusively prove their loyalty.

There were some ladrones, or robbers—say about 200—in an island containing many hundred thousand acres, in the midst of jungles and precipitous mountains—robbers and ladrones and all sorts of people, such as might reasonably be expected to congregate there. They made forays upon the people, inflicting torture and punishment upon the Filipinos as well as the Americans. The Americans said, "Take us out and show us these villains and you will thereby prove your loyalty to the United States. Disclose to us where these people in the hills have hid their arms, and lead us thither in order that we may deprive them of the instruments of destruction, and thereby you will prove your loyalty; or else gird up your loins, take your weapons, and join our forces and do battle against your own people, destroying the lives of your own compatriots and seizing and burning your own villages and inflicting torture upon your own people," because that was the method of warfare which was to be waged. "Take part in this uncivilized warfare"—and that is the third and last method by which these people could conclusively prove their loyalty, to the satisfaction of our military commanders.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. RAWLINS. Certainly.

Mr. LODGE. The Senator does not mean to give the impression to the Senate that there has been any testimony as to the island of Samar with respect to what he is stating?

Mr. RAWLINS. No; I am quoting from the official records.

Mr. LODGE. But there has been no testimony at all on those points.

Mr. RAWLINS. If the Senator says that the official reports and orders of General Chaffee and General Smith and the reports of Captain Waller, sent to us, and of General Bell——

Mr. LODGE. I am not questioning them. I meant that we have not examined into that as we have into the island of Panay.

Mr. RAWLINS. I have examined into it, and I am taking for the basis of every statement I make the official records.

Mr. TELLER. You had better read them.

Mr. RAWLINS. I will complete my statement, and then I will read the extracts, because I want to make a continuous statement.

Mr. President, that rule was applied, as I will show, practically not only in Samar at the command of General Smith, but by General Bell and by General Hughes during the latter part of his administration in the island. We come now to something which has not officially appeared, but concerning which we have authentic information.

Captain Waller went to the island. I am not going to discount the severity of the hardships which are ascribed to the men of his expedition. I do not want to say one word in derogation of the men who were performing this service. I would not arraign any of these subordinates. God knows they were performing the most thankless and unhonored task that ever soldiers were called upon to perform. General Smith says of Captain Waller: "I commend him for promotion because he has faithfully and relentlessly carried out the directions which I gave him."

That appears in General Smith's official report, sent to us from the War Department. It appears in the orders, if we are to believe the report, the authenticity of which is recognized in the official documents sent to the Senate Committee on the Philippines by the Secretary of War, that Waller was arraigned and tried before a court-martial, and that his defense was not that he had not been guilty of the offenses which were charged against him (and we know what those were), but that he had performed them under the command of his superior, and in that trial he not only testified himself under oath, but he was corroborated by Captains Porter and Bearas and a corporal whose name I do not recollect just now. Captain Porter and Captain Bearas, as will appear from the official reports, were both recommended by General Smith for promotion and were promoted from captains to majors upon the ground of their gallantry and efficiency in the service.

We have the official record to prove the reliability of these witnesses, who have all testified, if we are to believe the reports of the Associated Press, credit to which is given by the War Department, that these things occurred. The order to Waller and his expedition was to make the island of Samar a howling wilderness, to encumber themselves with no prisoners, to kill everyone over the age of 10, and that they proceeded relentlessly to carry those orders into effect. The records show that men who had submitted to our forces as prisoners, and who were helpless and unarmed, crossing the island and enduring the pain and hardship that at least the men endured during the progress of the journey, finally reaching their destination, were charged with having failed to satisfy the hunger of their captors or with having failed to disclose to the men in whose custody they were the kind of roots that might be beneficial for food.

This was the offense that was charged against them. They were taken out by lot and shot to death. Not only that, but they were tied to trees and under this general authority to spare not, either to end the war or to inflict suffering relentlessly and in cold blood, they shot off an arm or a leg, and they continued the process for hours, if we are to believe the reports, until finally in agony the man perished. This man, upon that charge deliberately made by the officials in Manila and arraigned for trial, seemingly was acquitted because of the command given to him by his superiors, which covered the acts themselves.

But we pass from Samar to Batangas, and what do we find there? The governor of Batangas officially reported in December of last year that of the inhabitants of that province, of whom there were more than 300,000, but 200,000 remained; that the others had perished. We have it in an unofficial statement of General MacArthur that one-sixth of the inhabitants of Luzon had also perished.

But, Mr. President, I do not care to enter into the discussion of this particular phase of the matter this evening, because, in order that I may do no injustice to any man in the presentation of this statement, I desire to be entirely accurate, and I may collate the official documents which bear upon it in a more consistent manner, and make greater progress in the course of this discussion if I am permitted to delay its further continuance until to-morrow.

Mr. PATTERSON. The Senator from Utah is evidently wearied.

Mr. LODGE. I have no desire to press the Senator from Utah, of course, and if he desires to continue to-morrow I will either move an executive session, if any Senator desires one, or I will move that the Senate adjourn.

Mr. RAWLINS. That is agreeable to me.

CENTRAL ARIZONA RAILWAY.

The PRESIDING OFFICER (Mr. GALLINGER in the chair) laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I return without approval Senate bill No. 4363, entitled "An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve."

The Secretary of the Interior writes me as follows concerning the attached bill:

"I inclose a copy of the report on the bill by the Commissioner of the General Land Office, dated the 5th instant, for your full information.

"He states therein that it is questionable whether or not this company could be required to supply a bond to protect the Government from damage by reason of occupancy of the right of way provided for by this bill, should it become a law.

"He also states that this company could acquire the right of way under existing laws, as other companies have done, by complying with the usual requirements, one of which is the filing of a bond for the purpose mentioned, and that he knows of no reason why this company should be exempted from such requirements."

In addition thereto I have had the Commissioner of the Land Office before me. He informs me that in its present form it would be impossible to exact the guaranty from the railroad that would insure its making good damages resulting from fire or any carelessness on the part of the railroad company in the forest reserve through which this railroad is to pass. He further informs me that there is at present a law which will permit the railroad, if it chooses to take advantage of it, to go across forest reservations under proper safeguards, and that there is no reason why this railroad should be singled out to be favored beyond all other railroads by being excepted from the necessity of complying with the departmental regulations with which all other railrcads are forced to comply.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. LODGE. I move that the message and bill be referred to the Committee on Public Lands and printed.

The motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 24, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 23, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

QUESTION OF PRIVILEGE.

Mr. CREAMER. Mr. Speaker, a question of privilege.

The SPEAKER. The Journal is not approved yet. Without objection, the Journal will be considered as approved.

There was no objection, and the Journal was approved.

The SPEAKER. The gentleman will state his question of privilege.

Mr. CREAMER. An article appears this morning in a metropolitan journal referring to the post-office at New York City, which is located in the district I have the honor to represent, charging the delegation from that city with being "dummies" and derelict in their duties here. I ask the Clerk to read the following article:

The Clerk read as follows:

NEW YORK'S NEW POST-OFFICE.

The House Committee on Public Buildings yesterday agreed upon its omnibus bill calling for appropriations aggregating $30,000,000.

What about the sorely needed uptown post-office for New York?

New York is graciously awarded a commission to come on here and select a site.

Senator PLATT'S bill, which passed the Senate, providing for a commission on which representatives of the great commercial organizations should be members, and appropriating two and one-half millions for the land and building—that bill is ignored.

Three members of the Cabinet are alone authorized to select and contract for the land, and as for an appropriation and the construction of the building, our kind friends in Washington may take the matter under consideration at some future session.

It is not at all surprising to learn from our special Washington dispatch this morning that "the New York members of the House were not consulted." If New York had real Representatives instead of more than a dozen dummies in the House they would not wait to be invited by the committee. They would have to be consulted.

Unless a strenuous effort is made to have the Senate bill taken up and passed our "Representatives" are liable to learn something to their disadvantage.

The SPEAKER. This presents no question of personal privilege.

Mr. CREAMER. It is a question involving the reputation of the Representatives of that city.

The SPEAKER. If the gentleman wants to ask unanimous consent for a personal explanation, the Chair will be glad to submit the request.

Mr. CREAMER. I would like to have about two minutes.

The SPEAKER. The gentleman asks unanimous consent——

Mr. PAYNE. Is there any limit of time? How much time does the gentleman want?

Mr. CREAMER. A few minutes.

The SPEAKER. How much time does the gentleman desire?

Mr. CREAMER. Not over five minutes.

The SPEAKER. Unanimous consent is asked that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CREAMER. The bill referred to in that paper was passed by the Senate in the last week of January. The following week I called at the room of the Committee on Public Buildings and Grounds and informed the chairman of the committee as to the condition of affairs concerning the post-office facilities in the city of New York and urged him to report the bill. No doubt a majority of the members of this House are familiar with the condition

of things there; no doubt you are familiar with the fact that an enormous surplus of revenue is received there which contributes largely toward the postal facilities of other parts of the country. Subsequently there appeared an article in a newspaper interviewing the chairman of the committee, the gentleman from Nebraska [Mr. MERCER], where he stated that if there was any evidence that the New York delegates were united he would report the bill.

Whether that was a genuine interview or not, of course, I am not able to state; but it was never contradicted. The New York delegation then met in a room here in the Capitol, and with our dear friend [Mr. CUMMINGS], now stricken down, at our head, we called upon the chairman of the committee at his room, and asked for a report of the bill. Mr. CUMMINGS urged us subsequently to be patient. This was the latter part of February. He urged us to be patient; that the chairman had assured him that action would be taken in reference to the measure, and that a separate bill would be reported. We acquiesced. While Mr. CUMMINGS was on his feet in this House there was no voice or echo from that committee but that we were to have a separate bill. Now, it seems, when we are bereft of the services of that member, we are informed, true indirectly, that a new commission is to be created, and that the bill will not include an appropriation.

I insist, Mr. Speaker, that the New York delegation, so far as I know, have performed their duty; and this reflection on their want of interest in this public question is not justified. I will not deny, however, that, judging from what I have read in the newspapers concerning what has transpired here, that this editorial printed in the New York Herald is perfectly justified.

Mr. LESSLER. Mr. Speaker, I ask unanimous consent that I may be recognized for five minutes in the line of the gentleman's remarks on the subject of the post-office at New York.

The SPEAKER. The gentleman from New York asks unanimous consent that he may have five minutes to address the House on the subject which has been discussed by the gentleman preceding him. Is there objection? [After a pause.] The Chair hears none, and that gentleman is recognized for five minutes.

Mr. LESSLER. Mr. Speaker, very soon after I came into the House, in January, the matter of the New York post-office was brought to my attention; and while I had not intended to say so before, and have not spoken of it, the meeting that took place with the entire New York City delegation was brought about at my instigation. All of us met, and the new members said to Mr. CUMMINGS and the other older members that their judgment was best as to the method of obtaining what we desired, and that we would follow them and go to the chairman of the Committee on Public Buildings and Grounds. At their instigation we visited the Committee on Public Buildings and Grounds and requested that, with minor changes, the Cummings bill be reported to the House. Since that time I have personally been at that committee all the time, and yesterday afternoon I learned that we were to have in the omnibus bill a commission to investigate the subject, and that our request as a delegation, as a united delegation, irrespective of political lines, knowing what our people needed and wanted, was to be ignored by that committee and they were to bring in their own measure.

However, my judgment of the situation was and is that when that bill comes on the floor of this House we are sufficient in number, knowing what our people want and what they must have for the benefit of the rest of the United States, and not of New York alone, to present to this House sufficient reasons why this Congress should legislate to give us an appropriation so that we can commence at once to build the New York post-office. The delegation, Republicans and Democrats, have not been derelict, but have done the full measure of their duty toward getting what New York needs and what the United States ought to have—an additional and a great post-office in the city of New York.

PRINTING OF NAUTICAL ALMANAC.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to call up House joint resolution 177, providing for the printing of the American Ephemeris and Nautical Almanac.

The Clerk read the resolution, as follows:

Resolved, etc., That hereafter the "usual number" of copies of the American Ephemeris and Nautical Almanac shall not be printed. In lieu thereof there shall be printed and bound 1,100 copies of the same, uniform with the editions printed for the Navy Department, as provided in section 73, paragraph 5, of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents, 100 copies for the Senate, 400 for the House, and 600 for the Superintendent of Documents for distribution to State and Territorial libraries and designated depositories.

The SPEAKER. This will require unanimous consent. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to a third reading, read the third time, and passed.

PRINTING REPORT OF GOVERNOR OF OKLAHOMA.

Mr. HEATWOLE. Mr. Speaker, I am also directed by the committee to ask unanimous consent for the present consideration of concurrent resolution No. 30.

The Clerk read the concurrent resolution, as follows:

Resolved, etc., That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the two votes by which the two foregoing resolutions were agreed to was laid on the table.

HARRY C. MIX.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4446) for the relief of Harry C. Mix.

The Clerk read the bill, as follows:

Be it enacted, etc., That Harry C. Mix, of Bibb County, Ga., be, and he is hereby, relieved from any and all liability to pay a certain recognizance given by A. F. Holt and the said Harry C. Mix as security for the said A. F. Holt on the 23d day of January, 1895, in the penal sum of $1,500, by which recognizance they acknowledged themselves to be held and firmly bound to the United States of America that the said A. F. Holt should personally appear at the then next term of the district court of the United States for the southern district of Georgia, to be held at Savannah, Ga., in said district, on the first Monday in January, 1895, and at the succeeding term or terms, should the case be continued, the said A. F. Holt being charged with the embezzlement of postal funds: *Provided, however*, That the said Harry C. Mix shall first pay to the Government of the United States all costs that may have accrued upon any proceeding instituted for the purpose of forfeiting such recognizance.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Chair will call the attention of the gentleman from Georgia to line 5, on page 2. The word "court" has been inserted before the word "cost." Is it the intention of the gentleman to move an amendment?

Mr. BARTLETT. Yes, Mr. Speaker; I move an amendment in that particular.

The SPEAKER. The gentleman from Georgia moves to amend by adding the word "court," after the word "all," in line 5, page 2; so that it will read "all court costs."

The amendment was considered, and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

AMENDING SECTION 698, REVISED STATUTES.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 698 of the Revised Statutes of the United States be, and the same hereby is, amended so as to read as follows:

"SEC. 698. Upon the appeal of any cause in equity or of admiralty and maritime jurisdiction, or of prize or no prize, it shall be the duty of the clerk of the court below, upon payment to him of a sum not to exceed $5 as his fees, by the appellant, together with the actual cost of transmitting the same, as hereinafter mentioned, either by mail or express, to attach together the original bill, libel, process, answer, replication, and all other pleadings, processes, motions, notices, orders, and decrees which shall have been filed in said cause, together with all the original minutes of all testimony in the cause, whether taken in open court by commissioner or settled by the court, and also copy of all journal and calendar entries, and all other proceedings of record in the cause not embraced in the original papers hereinbefore mentioned, and transmit the same, together with his certificate of the genuineness of the said original and the correctness of said copies of such journal and calendar entries and records, to the Supreme Court or to the circuit court of appeals, as the case may be, within fifteen days after such appeals shall be perfected; and if an appellant shall neglect to pay to such clerk the fee above provided for making such returns for thirty days after such repeal has been perfected, he shall be deemed to have waived his appeal, and the appellee may at once proceed to enforce his decree the same as if no appeal had been taken; and when an appeal shall have been so heard and determined the records and files sent from the court below, together with the proceedings and decree or order of the Supreme Court or of the circuit court of appeals therein, and all things concerning the same, shall be remitted to the court below from which the appeal was taken, when such further proceedings shall be thereupon had as may be necessary to carry into effect the decree or order of the appellate court. *And be it further enacted*, That whenever by the rules and practice of the Supreme Court or of the circuit court of appeals the record in the cause is required to be printed, the appellant may cause the same to be printed, subject only to the rules of the appellate court as to the style, manner, and time of such printing."

With the following amendments recommended by the committee:

(1) By striking out the word "copy" in line 3, on page 2, and inserting in lieu thereof the words "upon payment to him of 15 cents per 100 words therefor, copies;"

(2) By striking out the word "fee" in line 12, on page 2, and inserting in lieu thereof the word "fees;"

(3) By inserting immediately after the word "returns" in line 12, on page 2, the words "and copies," and

(4) By striking out the word "repeal" in line 13, on page 2, and inserting in lieu thereof the word "appeal," and that when so amended the bill be passed.

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill.

Mr. WARNER. Mr. Speaker, under existing law when a case is taken to an appellate court by appeal or writ of error, it is necessary in carrying the case up to have a transcript of all the files in the case, including the testimony which may be in writing, made and certified by the clerk of the trial court. This often imposes a great expense upon the parties. In some cases it has been known to be as great as $2,000. This bill simply provides that instead of the clerk certifying up a transcript of the files and written evidence, he shall attach together all the original files and testimony and certify to them on the payment to him of $5 and the cost of transmitting the papers to the appellate court.

In addition to that, he is allowed 15 cents for each 100 words for making a transcript of all that part of the record, the originals of which can not be sent up, like the journal and the minutes on the judge's docket, etc. That is the whole effect of the bill, to allow the parties to have the original files certified up, and when the case is finally decided by the appellate court the original files and transcript of the record are sent back to the trial court and remain on file there. It is to expedite the case and to save expense to the litigants and to simplify the whole proceedings. This is the method of proceeding followed in several States of the Union; and it is found to operate very beneficially. It has met with approval wherever it has been tried in our State courts.

Mr. CLAYTON rose.

Mr. WARNER. I will only add that this is a unanimous report of the Committee on the Judiciary.

Mr. CLAYTON. Mr. Speaker, I rose for the purpose of supplementing the statement of the gentlemen from Illinois [Mr. WARNER] by the further statement that this is the unanimous report of the Judiciary Committee, made after full consideration; and the bill ought to pass.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the last vote was laid on the table.

DONATION OF SPARS OF CAPTURED BATTLE SHIPS.

Mr. WILEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo* was read, as follows:

Be it enacted, etc., That the lower mast taken by Capt. Richmond P. Hobson, of the United States Navy, from the captured Spanish battle ship Don Juan d'Austria, at Manila, and the topmast from the Almirante Oquendo, at Santiago de Cuba, be, and the same are hereby, donated by the United States to the State of Alabama, to be used in the erection of a flagstaff on the capitol grounds of said State as a perpetual memorial to the value of the American Navy.

SEC. 2. That the State of Alabama be reimbursed the expense of transporting said masts from the navy-yard at Brooklyn and Norfolk, respectively, to Montgomery, Ala., out of any money in the Treasury of the United States not otherwise appropriated.

The amendments reported by the Committee on Naval Affairs were read, as follows:

In lines 3 and 4 strike out the words "by Capt. Richard P. Hobson, of the United States Navy."

Strike out all of section 2.

There being no objection, the House proceeded to the consideration of the bill.

Mr. WILEY. Mr. Speaker, this bill was introduced by me at an early day of the present session, authorizing the Secretary of the Navy to donate to the State of Alabama the Spanish masts taken from the sunken battle ships *Oquendo* at Santiago and the *Don Juan d'Austria* at Manila, and brought to the United States through the instrumentality of Naval Constructor Capt. Richmond Pearson Hobson, the hero of the *Merrimac*, and by him presented to the people of Alabama, to be erected on the grounds of the State capitol at Montgomery, from which to display the first American flag hoisted in Cuba—said masts and flag to be the property of the State, and to be kept on exhibition as a perpetual memorial of the valor of the American Navy in the two greatest sea battles of the world and fought more than 8,000 miles apart.

This matter was first brought to my attention last October, at which time I was requested by prominent citizens of Montgomery, my home town, to take the matter in hand as the Representative in Congress from that district. I promptly wrote to the honorable the Secretary of the Navy, stating, in substance, that these masts had been brought to the United States through the efforts of Captain Hobson and presented by him to the State of Alabama; that Gen. Joseph Wheeler, a hero in two wars and under two flags, had given to the State the above-mentioned flag; that said relics were of no military value; that several of the other cities of the State possessed various kinds of mementos of the war, in which both the North and South participated, and in which they bravely vied with one another in generous rivalry in upholding the honor of the old flag.

Under date of October 14, 1901, I received a reply from Hon. John D. Long, Secretary of the Navy, in which he stated that he had authorized the commandants of the navy-yards, New York and Norfolk, to loan to the municipal authorities of the city of Montgomery the articles in question, upon application therefor by the mayor of Montgomery. Under date of October 21, 1901, the authorities at Montgomery received a letter from Capt. W. W. Reisinger, commandant of the navy-yard at Pensacola, Fla., in which he stated that he had been ordered by the honorable Secretary of the Navy to furnish three seamen, with a warrant officer in charge, to report to the mayor of Montgomery for temporary duty in connection with the erection of the above spars.

After some difficulty in the matter of transportation of said masts, on account of their great length, etc., they were finally transported to Montgomery.

The history of the donation of these masts to Alabama by Captain Hobson is familiar to the reading public. He advised the governor of the State that he had shipped the same to America and had arranged to donate them to the State. Upon their arrival in this country it was thought that they, technically speaking, were the property of the Government and could not be donated for any purpose to any particular State or section of the country without a special act of Congress authorizing the same. Finally the Navy Department decided that the masts could be shipped to Alabama and a bill afterwards passed by Congress confirming title in the State to the same.

These masts are now at Montgomery. The Navy Department does not want them. They have absolutely no military value, and to put the matter finally and forever at rest I ask that this bill may become a law.

The report from the Committee on Naval Affairs, accompanying the bill to this House, contains the following words:

These masts of the vessels heretofore mentioned are of no military value, and are now loaned by the Navy Department to the city of Montgomery, which desires to use said masts on the grounds of the State capitol at Montgomery for flag poles to display the first American flag hoisted in Cuba during the Spanish-American war and presented by Gen. Joseph Wheeler to the State of Alabama. The masts are of historic value only, and this bill simply vests the title to the same in the State of Alabama.

I have complied with my promise in introducing this bill. That it meets the approval of the Navy Department is made further manifest by the following communication from Secretary Long to the Speaker of this House, which he has kindly submitted to me and which I will read:

NAVY DEPARTMENT, *Washington, April 16, 1902.*

SIR: Your letter of the 10th instant, inclosing a copy of the bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*, has been received, and in reply to your request for an expression of the Department's views on the subject I have the honor to state that no objection is perceived to the donation to the State of Alabama of the spars of said vessels, as provided in the bill.

In compliance with the request contained in your communication above mentioned, I return herewith the bill in question with the report thereon.

Very respectfully,

JNO. D. LONG, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

I desire to state briefly that it is peculiarly appropriate that these masts be permanently erected in the city of Montgomery, not only the capital of Alabama, but also the first capital of the Southern Confederacy. They are to be utilized as flagstaffs from which to display the starry banner of the Union—the standard of a reunited country—as an emblem of the blended patriotism of the men, and the sons of the men, who wore both the blue and the gray in fratricidal conflict in the long ago between the two great sections of our grand and glorious Republic. It will furnish another evidence of the truth that all sectional lines have been obliterated and that we are banded together once more and forever in the common bonds of union, loyalty, fraternal love, and civil liberty. [Applause.]

The question being taken, the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WILEY, a motion to reconsider the last vote was laid on the table.

INDIGENT CHOCTAW AND CHICKASAW INDIANS.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, with amendments which I will offer at the proper time.

The bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes, was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in

the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Choctaw Nation, the sum of $30,000 of the fund now in the United States Treasury to the credit of the Choctaw and Chickasaw nations, derived from the sale of town lots under an act approved June 28, 1898, being "An act for the protection of the people of the Indian Territory, and for other purposes," the said sum to be used for certain destitute Choctaw Indians in the manner hereinafter provided, and charged against the proportionate share of said fund belonging to the Choctaws.

SEC. 2. That Gilbert W. Dukes, principal chief of the Choctaw Nation, George W. Scott, treasurer of the Choctaw Nation, and Green McCurtain, ex-principal chief of the Choctaw Nation, are hereby constituted a commission, with authority to investigate and determine what Choctaw citizens are destitute and in absolute need of help; and they are hereby authorized and empowered to supply to said destitute Choctaws such food as may be necessary for their maintenance as they may determine to be right and proper, the same to be paid for out of the aforesaid $20,000.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Chickasaw Nation, the sum of $20,000, $10,000 of which shall be taken from the balance of the arrears of interest of $558,520.54 appropriated by the act of Congress approved June 28, 1898 (30 Stat., 495), and $10,000 out of the Chickasaw national fund of $60,000 placed upon the books of the Treasury of the United States by the Indian appropriation act of March 3, 1901, to the credit of the Chickasaw tribe.

SEC. 4. That D. H. Johnson, governor of the Chickasaw Nation, W. T. Ward, treasurer of said nation, and P. S. Mosly, ex-governor of said nation, are hereby constituted a commission with authority to investigate and determine what Chickasaw citizens are destitute and in absolute need of help, and they are hereby authorized and empowered to supply said destitute Chickasaws with such food as may be necessary for their maintenance as they may determine to be right and proper. Said commission is also authorized to reimburse the governor of the Chickasaw Nation for the actual expenses heretofore incurred by him in supplying indigent Chickasaws with necessary food and raiment, payment to be made from said fund: *Provided*, That the members of said Choctaw and Chickasaw commission shall not be allowed any compensation for their services except the actual necessary expenses while engaged in said work.

The Clerk read the following proposed amendments:

In line 7, page 1, strike out "thirty" and insert "twenty."

In line 14, page 1, strike out "belonging to the Choctaws" and insert "due to each Choctaw Indian receiving relief under the provisions hereof."

At the end of section 2, insert the following:

"But not exceeding to any beneficiary the amount he is entitled to receive from said fund as his distributive share."

Insert in line 19, page 2, after the words "Five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents" the words "excluding the incompetent fund."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. Mr. Speaker——

Mr. CURTIS. Mr. Speaker, there are two other amendments which have been suggested by the Department.

The SPEAKER. Committee amendments? None of the amendments just read are in the bill as sent to the desk.

Mr. CURTIS. They are amendments suggested in a letter from the Department——

The SPEAKER. And subsequently adopted by the committee?

Mr. CURTIS. No, sir; but I was authorized to offer amendments suggested by the Department.

The SPEAKER. These amendments can be sent up afterwards.

Mr. CANNON. I think it is probably material that the amendments should be read now. I have had a conversation with the gentleman from Kansas [Mr. CURTIS] about this bill, but I want to ask this question: Whether, after conference with the Department, he is satisfied that under the provisions of this bill no Indian who is relieved will be relieved except from his own funds; in other words, that this relief can not in any event be a charge against the United States Treasury, but will be charged against the funds to which the individual Indian is entitled?

Mr. CURTIS. I am satisfied that that will be the effect of the bill with the adoption of the amendments which I send to the desk. In this connection, I would like to have printed in the RECORD a letter from the Department in reference to this measure.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April 21, 1902.*

HON. CHARLES CURTIS,
House of Representatives.

SIR: In accordance with your verbal request for the views of the Department upon H. R. 13819, entitled "A bill for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes," I beg leave to submit the following:

The first section of said bill authorizes the Secretary of the Treasury, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Choctaw Nation, the sum of $30,000 of the fund now in the United States Treasury to the credit of the Choctaw and Chickasaw nations derived from the sale of town lots under an act approved June 28, 1898, commonly called the "Curtis Act," said sum to be used for the relief of certain destitute Choctaw Indians in the manner hereinafter provided in the following section and charged against the proportionate share of said fund belonging to the Choctaws.

The first amendment suggested is a change of the amount from $30,000 to $20,000, which is the same amount as that heretofore recommended by the Department in its letter dated April 18, 1902.

The second amendment is to strike out in the fourteenth line the word "belonging" and insert in lieu thereof the word "due." Also to strike out the word "the" at the end of the line and insert in lieu thereof the word "each," and change the word "Choctaws" to "Choctaw" in the fifteenth line, and add thereto the words "Indian receiving relief under the provisions hereof." These amendments meet the approval of the Department.

By section 29 of the "Curtis Act" it is provided that "the money paid into the United States Treasury for the sale of town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof."

The Commissioner of Indian Affairs on March 25, 1902, reported to the Department that the amount derived from the sales of town lots under said provision credited to the Choctaw Nation, was $90,718.56.

It is clear that no injustice will be done if the amount advanced for the relief of the indigent Indians be charged up to the share of each Choctaw Indian receiving relief. The effect is only to anticipate the payment provided for in said section of the "Curtis Act," which, without further legislation, would have to be distributed to all the members of said nation as provided therein.

The funds arising from the sale of town lots will continue to increase as the lots of the several towns in the nations are sold and the proceeds paid into the Treasury.

The second section is proposed to be amended by adding after the word "dollars" the following: "but not exceeding to any beneficiary the amount he is entitled to receive from said fund as his distributive share." The Department has no objection to said provision. It will be a wholesome restriction upon the commission and tend to insure a proper distribution of the relief.

Section 3 authorizes the Secretary of the Treasury, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Chickasaw Nation, the sum of $20,000, $10,000 of which shall be taken from the balance of arrears of interest of $558,520.54 appropriated by the act of Congress approved June 28, 1898 (30 Stat.. 495), and $10,000 out of the Chickasaw national fund of $60,000 placed upon the books of the Treasury of the United States by the Indian appropriation act of March 3, 1901 (31 Stat., 240), to the credit of the Chickasaw tribe.

Inasmuch as there were two funds to which said appropriation was to be credited, it is recommended that after the word "cents" in the nineteenth line of section 3 there be inserted the words "excluding the 'incompetent fund.'" The report of the Commissioner of Indian Affairs shows that there is $55,572.75 of the fund not included in the "incompetent fund," which is still to the credit of the Chickasaw Nation, and which is not required by law to be paid out per capita. The "incompetent fund" is required by law to be paid out per capita to the members of the Chickasaw Nation under the provisions of said Indian appropriation act of March 3, 1901. There is no requirement that the second $10,000 shall be distributed per capita, and hence there does not appear to be any good reason why Congress may not authorize the relief for the Chickasaws as herein indicated.

In section 4, sixteenth line, the word "commission" should be "commissions," there being one for each nation; and it is recommended that there should be a second proviso, as follows: "*Provided further*, That each commission shall make full report to the legislative body of its respective nation, giving the names of the persons receiving aid and the amount expended for each person, together with an itemized account of the expenses incurred by each commission."

The Department again urges that the relief requested be furnished as speedily as possible and that the bill do pass.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. CURTIS. Mr. Speaker, this bill was drawn by the Department and sent to the Committee on Indian Affairs, and the committee authorized me to report it. The Department urges its passage because the Indians are destitute, and this money is in the Treasury to the credit of the tribes. The bill makes no appropriation whatever. It simply allows these Indians to use the money now standing to their credit. Under the bill, if amended as suggested by the Department, I am satisfied the members of the Choctaw tribe will simply get their pro rata share of the money now in the Treasury derived from the sale of town lots, and so far as the Chickasaws are concerned they have two funds which may be used for this purpose if Congress so directs.

The SPEAKER. Without objection, the other amendments sent to the desk by the gentleman from Kansas [Mr. CURTIS] will be read for information.

Mr. RICHARDSON of Tennessee. Before those amendments are read allow me a word. I could not catch what the gentleman said in respect to these amendments. I understand that they have not been considered in the committee. Is that correct?

Mr. CURTIS. The amendments were not considered by the committee, but the committee by a unanimous vote authorized me to report the bill prepared by the Department. The Department prepared this bill, and afterwards suggested the amendments. So there can be no question about the funds to be used.

Mr. RICHARDSON of Tennessee. The amendments have not been printed at all, as I understand.

Mr. CURTIS. The amendments were offered just now and are embodied in the letter from the Department to simply make the bill plainer, so that the purpose of the bill will be thoroughly understood.

Mr. LITTLE. The amendments are simply to identify the fund?

Mr. CURTIS. To identify the fund.

Mr. LITTLE. And to make certain the purposes of the bill?

Mr. CURTIS. That is the object of the amendments.

The SPEAKER. The Clerk will read the additional amendments for the information of the House.

The Clerk read as follows:

Insert in line 19, page 2, after the word "cents," the following: "excluding the incompetent fund."

In line 16, page 3, change the word "commission" to "commissions."

Insert after the word "work," in line 18, page 3, the following:

"*Provided further*, That each commission shall make full report to the legislative body of its respective nation, giving the names of the persons receiving aid and the amount expended for each person, together with an itemized account of the expenses incurred by each commission."

Mr. RICHARDSON of Tennessee. Mr. Speaker, the difficulty, I may say, is that it is impossible when amendments are not printed for us to understand exactly their purport and effect. Now, I understand the gentleman to say that he has offered the amendments to carry out the recommendations of the Indian Office?

Mr. CURTIS. Of the Department—the Secretary of the Interior.

Mr. RICHARDSON of Tennessee. Now, I am assured by the gentlemen of the minority of that committee that these amendments do that, and if so, why it is all right.

Mr. CURTIS. There is no question about that.

Mr. RICHARDSON of Tennessee. But we are compelled to act purely upon faith, upon the representations made by these gentlemen, because we can not see the amendments and they are not printed, but with these assurances I shall not object.

Mr. CANNON. I am content to take the judgment and word of the gentleman from Kansas [Mr. CURTIS], that when the bill passes with the amendments that each Indian relieved gets that to which he is entitled, and there can be in no event hereafter a charge upon the Treasury of the United States.

The SPEAKER. Is there objection to the present consideration of the bill and the proposed amendments? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER IN MARION COUNTY, TENN.

Mr. MOON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., which I will send to the desk and ask to have read.

The Clerk read the bill at length, together with the amendments recommended by the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question now is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. MOON, a motion to reconsider the last vote was laid on the table.

STATISTICS OF TRADE BETWEEN UNITED STATES AND NONCONTIGUOUS TERRITORY.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory.

The Clerk read as follows:

Be it enacted, etc., That the provisions of sections 4197 to 4200, inclusive, of the Revised Statutes of the United States, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of the Treasury shall prescribe, in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States: *Provided*, That this law shall not apply in the Philippine Islands during such time as the collectors of customs of those islands are under the jurisdiction of the War Department.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

GRANTING LANDS TO COLORADO SPRINGS, COLO.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo., and that the similar House bill lie on the table.

The Clerk read as follows:

Be it enacted, etc., That the following-described tracts of land, situate in the county of El Paso and State of Colorado, described as follows: All of south half of south half of section 28; all of south half of section 29 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter of section 31 not included in the grant to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of southeast quarter of section 31; all of northwest quarter of section 32 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter, all of southwest quarter, and all of north half of southeast quarter of section 32; all of north half, all of north half of southwest quarter, all of southwest quarter of southwest quarter, all of north half of southeast quarter, and all of southeast quarter of southeast quarter of section 33.

All of the above-described land is in township 14 south, range 68 west, of sixth principal meridian. Also, all of east half of northeast quarter and all of north half of south half of section 4, township 15 south, range 68 west, of sixth principal meridian; all of north half of southeast quarter, all of west half of northeast quarter, and all of northwest quarter of section 5, township 15 south, range 68 west, containing 2,181.5 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises: *Provided, however*, That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof and now existing under and by virtue of the laws of the United States.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BELL, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, the similar bill, H. R. 11985, will lie on the table.

BRIDGE ACROSS CHATTAHOOCHEE RIVER, COLUMBUS, GA.

The SPEAKER laid before the House the bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga., with a Senate amendment thereto.

The Senate amendment was read.

Mr. ADAMSON. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. TAYLOR of Alabama obtained leave of absence indefinitely, on account of important business.

OLEOMARGARINE.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania presents the following privileged report.

The Clerk read as follows:

Resolved, That immediately after the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; and said motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the said bill shall continue privileged until the bill and amendments shall have been disposed of.

Mr. DALZELL. Mr. Speaker, the effect of this rule is to make the Senate amendments to the oleomargarine bill a continuing order until disposed of.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Pennsylvania to yield about fifteen minutes to me.

Mr. DALZELL. I yield fifteen minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, the rule that brings this bill before the House simply provides that it shall be a continuing order of the House until disposed of. It makes the matter privileged, and I should have no objection to this form of rule if it was not for the fact that I consider it inapplicable to this question.

In my judgment the oleomargarine bill is of no more importance than hundreds of other bills on the Calendar demanding relief at this time, demanding the right of way at this time, that are ignored, and that will continue on that Calendar until they die, because they can not be reached. Now, this bill has not the unanimous report of either party.

Mr. TAWNEY. It is not a party bill.

Mr. UNDERWOOD. It is not a party bill. It has the strong opposition of a large portion of the country. It is purely in the interest of one set of people, and against the interest of another set of people. It is not of universal benefit to the country, and for that reason I do not believe that two rules should be given to put this legislation before the House.

There has been no change in the principle since the bill went to

the Senate. It is true that changes have been made. I think there are some beneficial changes in the bill, but as far as the principle is concerned the bill remains exactly as it did before it went to the Senate.

When the question originally came up before the Rules Committee, the two minority members of that committee opposed the reporting of this rule. The minority members of the committee still oppose the reporting of this rule as unnecessary for this legislation. For that reason, for the reason that we are taking up time that could be better disposed of and better used in the transaction of the great public business that the whole country is interested in, I think this rule should be voted down.

Now, I yield the balance of the time to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I agree with the sentiments expressed by the gentleman from Alabama [Mr. UNDERWOOD]. I do not rise to oppose the particular provisions of this rule, but I do rise to oppose the adoption of any rule for the consideration of the oleomargarine bill at this time. I find, upon looking at the Calendar, that this bill is preceded by 104 or 105 other bills on the Union Calendar. I find upon that Calendar such important measures as the one providing for the civil government of the Philippine Islands, a bill that we all hope will remove what is now a blotch upon the honor of the American people, and in some measure benefit that open sore that we are maintaining in the southern seas.

Yet that great measure must sleep in what the gentleman from Washington has well termed the cemetery of legislation while the Committee on Rules leads the brindle cow again to the bars and lets them down that she may enter into the richness of the Congressional pastures. I find on this Calendar two measures providing for the erection of national homes for the benefit of the disabled veterans of the civil and Spanish wars. I find on this Calendar a bill for the irrigation of arid lands, recommended by the President of the United States and indorsed by every labor organization of the Union, approved by nearly every commercial body in every city in every State in the Union. Yet that bill must sleep upon the shelf while the right of way is given to this measure, that has only one purpose, and that is to destroy one American industry for the benefit of another. [Applause.]

Mr. Speaker, what is the reason that this peculiar measure should for the second time at this session of Congress find such great power and influence in that most influential of all committees, the Committee on Rules, that everything else can be thrown aside and the right of way given to the bill that affects the oleomargarine industry? Why, sir, it has been but two days since I read in the local papers where the poor people of the District of Columbia were fighting for an approach to the stalls in the market that had advertised meat at a reduced price. With meat so high that the poor are almost unable to obtain it for their tables, with all kinds of food products higher probably than they ever were in time of peace, you come here with a special rule to tax a necessary article of diet, the only one of that nature that the poor man is able to place upon his table. Last week, sir, we had a measure up before this House to give relief to the starving people of Cuba. You follow it this week with a measure to tax the poor people of America. Tears and sympathy for the Cuban poor and sneers and taxation for the American poor is the record that the majority are making to go before the people. [Applause.]

But gentlemen said when this measure was up some weeks ago that it was not intended and it would not raise the price of butter. What are the facts? I find the actual fact to be that immediately after the passage of the oleomargarine bill in the Senate butter went up 4 cents on the New York market, 3 cents in the Chicago market, and 3 cents a pound above the current price at Elgin, Ill., the very home of the creamery industry. Yet gentlemen said this was not to increase the price of butter. Mark you, this price went up immediately after the bill had passed the other House of Congress and was thereby sure of ultimate enactment into law.

Mr. TAWNEY. Is it not a fact that the price of meats has also gone up since the passage of the oleomargarine bill?

Mr. COWHERD. But butter is not made from meat, but is made from milk; and the price of milk has gone down while the price of butter has gone up.

Mr. TAWNEY. The particular butter you are favoring is made from meat.

Mr. COWHERD. That has nothing to do with it. The bill as you passed it was to put up cow butter for the benefit of the farmer. The product of the cow is milk, and the milk went down instantly, while the price of butter went up at the instance of your legislation. [Loud applause.]

Mr. TAWNEY. Does the gentleman say that butter is not a product of the farm? If he does, he knows nothing about it.

Mr. COWHERD. I do know as much about it as does the gentleman from Minnesota.

Mr. TAWNEY. Well, then, you are not correctly representing yourself.

Mr. COWHERD. I say that the butter that is to be benefited by this bill is not the product of the farm, and you know it is not. It is the product of the creamery. It is the product of the factory and not the farm; and this bill is to aid the manufacturer and not the farmer, and these facts are proved by what has transpired since the passage of that bill by the Senate. [Loud applause.] Now, let me give you the facts.

Mr. MCCLEARY. Who owns the creameries?

Mr. COWHERD. The creameries in my country are largely owned by a creamery trust—400 of them—and no farmer has a single dollar in those creameries. [Loud applause.]

Mr. TAWNEY. Will you answer this question?

Mr. COWHERD. Let me refer to the facts.

Mr. TAWNEY. One billion seventy-three million pounds of butter are made on the farms and 420,000,000 are made in the creameries.

The SPEAKER. The Chair admonishes gentlemen that before interrupting a speaker they must get permission of the Chair to do so.

Mr. COWHERD. I want to call attention to another fact, to show that these gentlemen were not honest to this House when they said they were trying to prevent a trust in this bill. What is the fact about that amendment which said process butter should be labeled as "process butter?" This committee, which now comes here and asks a special rule to pass their bill, has stricken out that provision and provided that it be "labeled as the Secretary of Agriculture may provide"—and he may provide that it shall be labeled as "refined butter" or "extra fine creamery" or anything else that he chooses.

But just one word further. Now, the gentleman says that this is for the benefit of the farmer. The butter from the farm, as everybody knows, does not go into the trade, it does not go into commerce, it is used at the farm or it is used in the neighborhood of the farm in the small towns. There are 20,000,000 people in the United States living in cities of over 25,000 population, and into those cities goes the butter of the creamery, and the country butter does not compete with it, and only in those cities is oleomargarine sold to any extent, and only in competition with creamery butter. What is the fact? The butter trust, or the creameries, have been putting up the price of butter ever since the passage of this bill, until within the last day or two when they put it down, as I believe, for the purpose of aiding this bill again through the House. They have been putting up the price of butter and putting down the price of milk, which is the farmer's product.

Now, what is the fact as to the amount of butter? Was there any reason for this great advance? I find in the New York market in March of this year, when the butter was higher than for years, on account of the passage of this bill, that there was practically as much butter on the market in New York as in March of last year. I find that in the markets of Chicago there was more butter in March of this year than there was last year, and the price has gone soaring skyward because of this legislation that you have enacted, not for the farmer, but for the creameries.

Mr. BELL. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Colorado?

Mr. COWHERD. I will.

Mr. BELL. I notice that the price of eggs went up to 50 cents some time ago; did this legislation have anything to do with that?

Mr. COWHERD. Does not the gentleman know that when the price of eggs went up they were scarce in the market? I have read you the facts that there was as much butter in the market as there was last year, and therefore the price did not go up because butter was scarce. Can not the gentleman draw the distinction? [Applause.]

Mr. BELL. Other food products have gone up in price with it.

Mr. COWHERD. No food product has gone up in price comparatively as much as butter, not even beef, and that has been put up by the trust, as we are daily told by the press. The price of butter has been put up by this legislation which you are enacting against the table of the poor people of the United States. The only purpose that this bill can serve is to tax the man who to-day must earn his bread in the sweat of his face, and provide that hereafter he must eat that bread unbuttered. When food products were never so high, when butter was never at such a high price, and when butter makers were never so prosperous, there is not only no need of this legislation, but it is a little short of—I almost said infamous, but I will not use that word, but it is certainly an outrage in legislation that a special rule should be enacted to give this measure precedence over hundreds of other bills on the Calendar, many of them of the utmost importance. [Applause.]

Mr. DALZELL. Mr. Speaker, I do not understand that the merits of the oleomargarine bill are properly under discussion

now. The purpose of this rule is to give the House an opportunity to discuss that bill, and I do not propose to be drawn into any argument upon the subject.

Mr. MANN. May I ask the gentleman a question?

Mr. DALZELL. Yes.

Mr. MANN. Is there any other way under the rules by which the House could have an opportunity to consider this bill unless the Committee on Rules reported a special rule?

Mr. DALZELL. A motion to go into Committee of the Whole House for the discussion of the bill would be in order.

Mr. MANN. Then it is not necessary to report the rule.

Mr. DALZELL. I will say, in answer to my friend from Illinois and the gentleman from Missouri, that the justification of the Committee on Rules in bringing in this rule arises out of the fact that this bill has been considered by both Houses, both by the Senate and the House, and we are entitled to have, at some time or other, an end to legislation. In that respect it differs from the other bills on the Calendar referred to by the gentleman from Missouri. Mr. Speaker, I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania asks for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were 101 ayes and 76 noes.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 79, answered "present" 13, not voting 110; as follows:

YEAS—153.

Acheson,	Edwards,	Lloyd,	Russell,
Adams,	Emerson,	McCleary,	Selby,
Alexander,	Esch,	McLachlan,	Shafroth,
Allen, Me.	Fletcher,	Mahon,	Shallenberger,
Aplin,	Foss,	Marshall,	Shattuc,
Ball, Del.	Foster, Vt.	Martin,	Shelden,
Barney,	Gaines, Tenn.	Mercer,	Sibley,
Bartholdt,	Gardner, Mich.	Metcalf,	Skiles,
Bates,	Gibson,	Mickey,	Smith, Ill.
Bingham,	Gilbert,	Miller,	Smith, Iowa
Blackburn,	Gillet, N. Y.	Minor,	Smith, H. C.
Bowersock,	Gillett, Mass.	Moody, N. C.	Smith, S. W.
Bristow,	Gooch,	Moody, Oreg.	Smith, Wm. Alden
Brown,	Gordon,	Moon,	Snook,
Brownlow,	Graff,	Morrell,	Southard,
Burkett,	Greene, Mass.	Morris,	Southwick,
Burleigh,	Grow,	Moss,	Sperry,
Butler, Pa.	Hamilton,	Mudd,	Stark,
Calderhead,	Haskins,	Mutchler,	Stevens, Minn.
Caldwell,	Haugen,	Naphen,	Stewart, N. J.
Cassingham,	Heatwole,	Needham,	Stewart, N. Y.
Conner,	Hemenway,	Neville,	Storm,
Coombs,	Henry, Conn.	Olmsted,	Sulloway,
Cooney,	Hepburn,	Otey,	Tate,
Cooper, Wis.	Hitt,	Otjen,	Tawney,
Cousins,	Howell,	Padgett,	Thomas, Iowa
Currier,	Hull,	Payne,	Tompkins, N. Y.
Curtis,	Irwin,	Pearre,	Tongue,
Cushman,	Jack,	Perkins,	Van Voorhis,
Dahle,	Jenkins,	Pou,	Vreeland,
Dalzell,	Jones, Va.	Powers, Me.	Wanger,
Darragh,	Jones, Wash.	Powers, Mass.	Warner,
Davidson,	Ketchum,	Prince,	Warnock,
De Armond,	Kluttz,	Ray, N. Y.	Williams, Ill.
Dick,	Knapp,	Reeves,	Woods,
Dougherty,	Lamb,	Rixey,	Zenor.
Douglas,	Lawrence,	Robb,	
Draper,	Lewis, Pa.	Robinson, Nebr.	
Driscoll,	Littlefield,	Rucker,	

NAYS—79.

Adamson,	Davis, Fla.	Lewis, Ga.	Roberts,
Allen, Ky.	Dinsmore,	Lindsay,	Ryan,
Ball, Tex.	Elliott,	Little,	Scarborough,
Bankhead,	Feely,	Livingston,	Scott,
Bartlett,	Foster, Ill.	Long,	Sims,
Bellamy,	Gaines, W. Va.	Loud,	Small,
Belmont,	Goldfogle,	McAndrews,	Smith, Ky.
Brantley,	Hedge,	McClellan,	Snodgrass,
Breazeale,	Henry, Miss.	McCulloch,	Spight,
Bromwell,	Hooker,	McDermott,	Stephens, Tex.
Brundidge,	Howard,	McLain,	Thompson,
Burgess,	Kahn,	McRae,	Tompkins, Ohio
Burleson,	Kehoe,	Maddox,	Underwood,
Butler, Mo.	Kitchin, Claude	Mann,	Wadsworth,
Candler,	Kitchin, Wm. W.	Meyer, La.	Wheeler,
Clayton,	Kleberg,	Miers, Ind.	Wiley,
Connell,	Lanham,	Pierce,	Williams, Miss.
Cowherd,	Lessler,	Pugsley,	Wilson,
Creamer,	Lester,	Ransdell, La.	Wooten.
Davey, La.	Lever,	Richardson, Tenn.	

ANSWERED "PRESENT"—13.

Bell,	Clark,	Rhea, Va.	Trimble.
Benton,	Graham,	Richardson, Ala.	
Bull,	Hay,	Robinson, Ind.	
Capron,	Johnson,	Shackleford,	

NOT VOTING—110.

Babcock,	Blakeney,	Bowie,	Burk, Pa.
Beidler,	Boreing,	Brick,	Burke, S. Dak.
Bishop,	Boutell,	Broussard,	Burnett,
Burton,	Gardner, N. J.	Latimer,	Schirm,
Cannon,	Gill,	Littauer,	Sheppard,
Cassel,	Glenn,	Loudenslager,	Sherman,
Cochran,	Green, Pa.	Lovering,	Showalter,
Conry,	Griffith,	McCall,	Slayden,
Cooper, Tex.	Griggs,	Mahoney,	Sparkman,
Corliss,	Grosvenor,	Maynard,	Steele,
Cromer,	Hall,	Mondell,	Sulzer,
Crowley,	Hanbury,	Moody, Mass.	Sutherland,
Crumpacker,	Henry, Tex.	Morgan,	Swanson,
Cummings,	Hildebrant,	Nevin,	Talbert,
Dayton,	Hill,	Newlands,	Tayler, Ohio
De Graffenreid,	Holliday,	Norton,	Taylor, Ala.
Deemer,	Hopkins,	Overstreet,	Thayer,
Dovener,	Hughes,	Palmer,	Thomas, N. C.
Eddy,	Jackson, Kans.	Parker,	Tirrell,
Evans,	Jackson, Md.	Patterson, Pa.	Vandiver,
Finley,	Jett,	Patterson, Tenn.	Wachter,
Fitzgerald,	Joy,	Randell, Tex.	Watson,
Fleming,	Kern,	Reeder,	Weeks,
Flood,	Knox,	Reid,	White,
Foerderer,	Kyle,	Robertson, La.	Wright,
Fordney,	Lacey,	Rumple,	Young.
Fowler,	Landis,	Ruppert,	
Fox,	Lassiter,	Salmon,	

So the resolution reported by the Committee on Rules was adopted.

Mr. GRAHAM. I voted in the negative, but as I am paired with the gentleman from Illinois [Mr. HOPKINS], who, if present, would vote "aye," I desire to withdraw my vote and be recorded as "present."

The following pairs were announced:

For this session:

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. BULL with Mr. CROWLEY.

Mr. YOUNG with Mr. BENTON.

Mr. BOREING with Mr. TRIMBLE.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. OVERSTREET with Mr. GRIFFITH.

Mr. MOODY of Massachusetts with Mr. THAYER.

Mr. BABCOCK with Mr. CUMMINGS.

Mr. EDDY with Mr. SHEPPARD.

Mr. CAPRON with Mr. JETT.

Mr. STEELE with Mr. COOPER of Texas, except revenue cutter.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. RUMPLE with Mr. FOX.

Mr. BOUTELL with Mr. GRIGGS.

Mr. LANDIS with Mr. CLARK of Missouri.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. JOY with Mr. NORTON.

Mr. HEMENWAY with Mr. TAYLOR of Alabama.

For one week:

Mr. WATSON with Mr. BURNETT.

Mr. CROMER with Mr. ROBINSON of Indiana.

For balance of week:

Mr. MCCALL with Mr. BELL.

For this day:

Mr. REEDER with Mr. HENRY of Texas.

Mr. EVANS with Mr. HAY.

Mr. BURK of Pennsylvania with Mr. MAHONEY.

Mr. LACEY with Mr. FITZGERALD of New York.

Mr. BURLEIGH with Mr. BROUSSARD.

Mr. BURTON with Mr. COCHRAN.

Mr. TIRRELL with Mr. CONRY.

Mr. CANNON with Mr. NEWLANDS.

Mr. DOVENER with Mr. FLEMING.

Mr. FORDNEY with Mr. GLENN.

Mr. FOWLER with Mr. KERN.

Mr. GILL with Mr. LATIMER.

Mr. GROSVENOR with Mr. PATTERSON of Tennessee.

Mr. HANBURY with Mr. RANDELL of Texas.

Mr. KYLE with Mr. REID.

Mr. LITTAUER with Mr. SALMON.

Mr. LOVERING with Mr. SPARKMAN.

Mr. MORGAN with Mr. SULZER.

Mr. SCHIRM with Mr. SWANSON.

Mr. TAYLER of Ohio with Mr. TALBERT.

On this vote:

Mr. CRUMPACKER with Mr. FLOOD.

Mr. DAYTON with Mr. BREAZEALE.

Mr. CONNELL with Mr. SHACKLEFORD.

Mr. BURKE of South Dakota with Mr. VANDIVER.

Mr. WACHTER with Mr. RHEA of Virginia.

Mr. SUTHERLAND with Mr. JACKSON of Kansas.

Mr. BEIDLER (against the bill) with Mr. HALL (for the bill).

Mr. WRIGHT (for the bill) with Mr. THOMAS of North Carolina (against the bill).

Mr. PATTERSON of Pennsylvania (for the bill) with Mr. RICHARDSON of Alabama (against the bill).

Mr. BRICK (for the bill) with Mr. FINLEY (against the bill).

Mr. DEEMER (for the bill) with Mr. LASSITER (against the bill).
Mr. HILL (for the bill) with Mr. ROBERTSON of Louisiana (against the bill).
Mr. BISHOP (for the bill) with Mr. CORLISS (against the bill).
Mr. HOPKINS (for the bill) with Mr. GRAHAM (against the bill).
Mr. BLAKENEY with Mr. GREEN of Pennsylvania until 2.30.
Mr. WEEKS (for the bill) with Mr. BOWIE (against the bill).
Mr. FOERDERER (for the bill) with Mr. JOHNSON (against the bill).
Mr. CROMER (for the bill) with Mr. WHITE (against the bill).
The result of the vote was announced as above stated.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, with sundry amendments, and pending that motion I would say that both the majority and minority members of the committee have agreed on a general debate of one hour, half an hour a side, to be equally divided, and I ask unanimous consent that general debate be closed in one hour.

The SPEAKER. The gentleman from Connecticut moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9206) and the amendments thereto, in pursuance of the rule just adopted, and pending that motion asks unanimous consent that general debate be limited to one hour, thirty minutes on a side. Is there objection to the request?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Connecticut.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry. Does not the rule itself resolve the House into the Committee of the Whole?

The SPEAKER. The Chair will state that, in his opinion, it requires a motion.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry. Would it be in order to move that general debate close in one hour?

The SPEAKER. Not at present; not until after some debate had taken place. The question is on the motion of the gentleman from Connecticut.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, with Mr. OLMSTED in the chair.

Mr. HENRY of Connecticut. Mr. Chairman, this bill has been considered in the Committee of the Whole as a whole, with the exception of two sections, comprising Senate amendment No. 9. I would like a ruling of the Chair as to whether the entire bill is to be considered or simply the two sections embraced in the amendment No. 9.

The CHAIRMAN. The Chair understands the gentleman's inquiry to be whether all the amendments are to be considered in the Committee of the Whole House on the state of the Union.

Mr. HENRY of Connecticut. That is it, whether the entire bill is to be considered.

Mr. TAWNEY. I understood the inquiry to be as to whether the entire bill should be read or only the amendments of the Senate and the amendment to the amendments proposed by the Committee on Agriculture.

The CHAIRMAN. The Chair would like distinctly to understand the inquiry. Is it as to the reading of the bill or as to its consideration?

Mr. HENRY of Connecticut. The bill, I suppose, will be read, unless unanimous consent is given to dispense the first reading. The inquiry was as to whether we should consider in the Committee of the Whole the entire bill or simply the amendment No. 9; that is, sections 4 and 5 of the bill.

The CHAIRMAN. The Chair understands that there are ten Senate amendments to the bill as passed by the House. There is a rule—Rule XXIII, section 3—requiring that all propositions involving a tax or involving the expenditure of money must be considered in a committee of the whole House, and the Chair understands the gentleman's inquiry to be whether consideration now is to be limited to such Senate amendments as do either involve a tax or the expenditure of money. Upon that inquiry the Chair would state that while the rule referred to does require absolutely that all propositions of a certain character shall be considered in a committee of the whole House it does not prevent the House from ordering other questions to be considered in Committee of the Whole. There is also another rule—No. XIII—which requires that all bills which involve a tax shall be referred to the Committee of the Whole House on the state of the Union—not only the part imposing the tax, but the whole bill. This bill was originally referred to that committee and was considered by that committee before it was passed by the House.

Now, it has been returned by the Senate with sundry amendments. Those amendments have been referred to the Committee of the Whole House on the state of the Union, and the House has to-day adopted a rule and an order requiring, as the Chair understands it, the consideration of all the Senate amendments, which the Chair thinks it is quite within the province of the House to do. The Chair thinks that therefore all of the Senate amendments are to be considered in this Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD. Mr. Chairman, a parliamentary inquiry. As I understand the rule, the rule itself brings up the bill as well as the amendments. I agree with the Chair as to the ruling if it were not for the rule, but my recollection of the reading of the rule is that it brings the original bill, as well as the amendment, before the Committee of the Whole.

Mr. TAWNEY. I think the gentleman from Alabama is mistaken. The rule refers specifically to the Senate amendments and it is the amendments of the Senate.

Mr. UNDERWOOD. Mr. Chairman, I will ask that the Clerk read the rule again.

The CHAIRMAN. If there is no objection, the Clerk will read the rule.

There was no objection, and the rule was again read.

Mr. UNDERWOOD. Mr. Chairman, my position is that that rule not only brings the Senate amendments which were specifically named before the committee, but it also refers to the bill, and therefore brings the bill for the reconsideration of the Committee of the Whole under the terms of the rule as well as the Senate amendments.

The CHAIRMAN. The Chair will state that in his judgment it would not be within the province of the House itself to consider those portions of the bill which have been agreed upon by both House and Senate, but only the Senate amendments. Therefore it would not be within the province or authority of the House to direct the Committee of the Whole to consider anything more than the Senate amendments. The Chair does not understand the rule as requiring or intending that the Committee of the Whole House on the state of the Union shall consider more than the Senate amendments to the House bill.

Mr. UNDERWOOD. Mr. Chairman, if the Chair will allow me, I do not think there are many precedents on this question, and I think it ought to be determined at this time. The House can agree, with or without an amendment, to a bill that is returned from the Senate with amendments. Therefore it must be within the province of the House to amend the original proposition, because it must all be germane; and if it is within the province of the House to amend the original proposition, to make it suit the Senate amendments by adding an amendment, why, then, if the House determines, by its own motion, as it has done in this rule, to take up the whole proposition, then the whole proposition, the original bill and the Senate amendments, must be before the House for its consideration.

Mr. WILLIAMS of Mississippi. Mr. Chairman, as I understand the situation, it is this——

Mr. PAYNE. Mr. Chairman, I submit that gentlemen can not raise this question now until some amendment is offered.

The CHAIRMAN. The point is well taken.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am talking to the point of order.

The CHAIRMAN. The Chair will state that no point of order has been made.

Mr. WILLIAMS of Mississippi. I make the point of order, then, that this bill must be considered in Committee of the Whole, and I will state why I make that point. It is required by the rules that bills raising revenue shall be considered in Committee of the Whole. No rule of the House can change that constitutional rule. Now, it may be attempted to be answered that this bill has been considered in Committee of the Whole; but the Chair will apprise himself of the actual status of this legislation. This bill was not sent to conference. Objection was made to that course, and this bill was sent back to the Committee on Agriculture. It is not a case where an agreement has been made between the two Houses, and only a matter not agreed to in conference is left to be considered; but this bill was sent back to the Committee on Agriculture, which considered it again ab initio, you might say, and it is brought back now from the Committee on Agriculture. It is not a conference report.

The CHAIRMAN. The Chair will call the attention of the gentleman from Mississippi to a ruling apparently upon this precise point made by Speaker Carlisle in 1895:

An amendment having been proposed by Mr. HERNANDO D. MONEY, of Mississippi, relating to the transmission of certain publications of the second

class through the mails, Mr. William S. Holman of Indiana made the point of order that the amendment related to a portion of the bill that had been agreed to by both Houses, and therefore was not in order.

The Speaker (Mr. Carlisle) sustained the point of order, holding that it was not in order to change the original text of a bill which had been passed by both Houses.

Mr. UNDERWOOD. Mr. Chairman, that was evidently a bill that was coming before the House on a conference report, and I admit that if the House had not ordered the whole proposition before the committee, only the amendments would be under consideration; but the point that I make is that it is within the power of the House to order the entire consideration of the whole measure, and that this rule has done so.

The CHAIRMAN. The Chair will state that in his judgment the position of the gentleman from Alabama is in direct opposition to the ruling of Speaker Carlisle. In that case the House itself was considering the Post-Office appropriation bill, which had passed the House and had been passed by the Senate with amendments. It had not been sent to conference. It simply came back as this bill has, with certain Senate amendments, and the Chair ruled that it was not in order for the House itself to consider anything but the Senate amendments. The House itself not having that power, it certainly can not be construed to have power to direct the Committee of the Whole House on the state of the Union to do something which the House itself can not do.

Mr. UNDERWOOD. Did the Speaker there rule that the House itself had not the power to amend its own bill in committee?

The CHAIRMAN. That it could not even consider a motion to that effect—that is to say, a motion to amend that portion of the House bill to which the Senate had agreed.

Mr. UNDERWOOD. Well, Mr. Chairman, Speaker Carlisle is a very high authority.

The CHAIRMAN. The Clerk will read the Senate amendments.

Mr. HENRY of Connecticut. I ask unanimous consent that the first reading of the Senate amendments be dispensed with.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the first reading of the Senate amendments be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY of Connecticut. Mr. Chairman, the oleomargarine bill as passed by the Senate is so satisfactory in most respects that a majority of the House Committee on Agriculture are agreed in recommending the acceptance of all the Senate amendments but one, and with a few changes necessary to perfect the measure, recommend the House to concur with the Senate and pass the bill as amended.

The original bill as reported in the House is but slightly affected by the Senate amendments; in fact, most of the changes are merely verbal corrections made necessary by the addition in the Senate of sections regulating and restricting the manufacture and sale of process or renovated and adulterated butter.

Only three or four of the Senate amendments are of importance sufficient to require explanation.

Amendment No. 2 strikes out the proviso inserted in the House as an amendment to section 1 of the original bill. It is held by eminent legal authority that this provision would be a violation of the rule of uniformity in taxation imposed by the Constitution of the United States, and if allowed to remain in the bill will invalidate the provisions relating to taxation.

Amendment No. 3 is intended to exempt the family table from any possible harsh construction of the law, and is altogether commendable.

Amendment No. 5 reduces the license tax upon wholesale and retail dealers who shall sell only uncolored oleomargarine, and may be regarded as equitable and fair.

Amendments Nos. 7 and 8 strike out the words "or ingredients" and insert the word "artificial," making this provision read as follows:

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow, the tax shall be one-fourth of 1 cent per pound.

This is, perhaps, the most important change made by the Senate to the bill as reported in the House, and is a concession to the manufacturers of uncolored oleomargarine, who claim that the original provision would embarass the manufacturer of the uncolored article.

Inasmuch as it is not the purpose of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient.

It is sometimes claimed that cream or butter may be successfully used, but this is manifestly impracticable, although it is barely possible that June butter, made when grasses are fresh and sweet, might, if a sufficient quantity is used, give the mixed product a slight yellow shade; but the high cost of this ingredient will prevent its use, except perhaps to a very limited extent in a high-grade article, too expensive for general consumption when sold as oleomargarine.

It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient, this defect in the law can be corrected by future legislation.

Amendment No. 9 strikes out the imperfect House provisions for regulating the manufacture of process or renovated butter, and substitutes a full and comprehensive law for the regulation, restriction, and taxation of this product under the supervision of the Treasury Department for identification and taxation purposes, and of the Department of Agriculture for inspection and sanitary control.

Investigations have demonstrated that the interests of the great dairy industry will be protected and the welfare of all honest dairymen promoted by the safeguards provided in the proposed law. It is not the intention to unreasonably restrict the packing and sale of properly prepared process or renovated butter, but fraudulent adulteration should be prevented or made unprofitable. Disreputable manufacturers and manipulators are now imposing upon a confiding public an unwholesome product composed of vile and rancid butter deodorized and mixed with glucose and other ingredients designed to cheapen the article and also enable the absorption of a large quantity of water, with the result that the finished product often contains less than 60 per cent butter fat. This fraudulent and disgusting compound is now sold to domestic consumers and exported to foreign countries as dairy butter.

Dairy Commissioner Wells, of Pennsylvania, in a recent report gives this graphic description of the process of manufacturing adulterated butter:

It may be of interest to many to know what renovated butter is. It is also known under several aliases, such as "boiled" process and "aerated" butter, and is produced from the lowest grade of butter that can be found in country stores or elsewhere. It is of such poor quality that in its normal condition it is unfit for human food. It is generally rancid and often filthy in appearance, and of various hues in color, from nearly a snow white along the various shades of yellow up to the reddish cast or brick color. It is usually packed in shoe boxes or anything else that may be convenient, without much regard to cleanliness or a favorable appearance in any way. The merchant is glad to get rid of it, with its unwholesome smell, from his premises at almost any price, usually expecting that it will find its way to some soap factory, where it naturally belongs; but in this he is mistaken.

We have in our State two extensive plants using large quantities of this original stock, and converting the same into what is often branded and sold for creamery butter. It is first dumped into large tanks surrounded with jackets containing hot water, and melted at a temperature ranging from 100 to 110° Fahrenheit. After being thoroughly melted the heavier solids sink to the bottom and the lighter particles rise to the top, which, when skimmed off, leaves the clear butter fat, with the heavier sediment at the bottom.

This butter fat is then removed to other tanks, jacketed and surrounded with hot water like the first. The odor of the fat at this stage is anything but agreeable, and the main object of the next manipulation is to remove this stench from it. This is supposed to be accomplished by aeration, the fat passing out of a pipe at the bottom of the tank, and with a rotary pump it is again elevated in a pipe over the top of the tank, and discharged through a strainer into the same, thus to remove the disagreeable odors, keeping up a continuous circuit and agitation of this liquid butter fat.

It is claimed by some that chemicals are also used for this purpose, but I have been assured by parties who are engaged in the business that this is not true. When the fat is sufficiently aerated the machinery is changed by removing the funnel-shaped strainer, and large quantities of skim milk are added; in just what proportion I am unable to state, but can approximate very nearly the amount. An analysis of the finished product showed only 75 per cent of butter fat, and as it contained nothing but the fat and milk and a small amount of salt, there must have been about 25 per cent of milk added. A perfect emulsion of the milk and butter fat is obtained by the same machinery that did the aerating, excepting the strainer, and it is accomplished in a very short time. When the milk has all disappeared the melted mass looks much as it did before the milk was added.

It is next run off in pipes to a vat of ice and water, where it is quickly chilled, taking the granular form and looking like ordinary butter when in the granular form before being worked,. It is then worked, salted, if necessary, and printed or packed in tubs for shipment, often as fresh creamery butter.

I do not know how a greater fraud could be perpetrated upon the unsuspecting consumer or upon legitimate dairy interests than is done by these manufacturers of spurious butter. In the first place, 20 to 25 per cent of the compound is skim milk, for which the consumer pays the price of butter. Besides this, the filthy condition of the foundation stock before any manipulation occurs, were it known, would deter most people from eating it. It certainly should only be allowed to be sold for what it is, namely, "renovated butter." It is a fraud because it has no keeping qualities. Being so heavily charged with skim milk, unless kept at a very low temperature it soon becomes putrid. The manufacturer and jobber may get it off their hands before it deteriorates, but before it gets to the consumer usually "its last estate is worse than its first."

With these facts before us, who shall say that restrictive legislation is unnecessary?

With the intent of protecting the manufacture as well as of maintaining the reputation of pure butter and of prohibiting adulteration by unscrupulous manipulators, two grades are established under the provisions of the Senate amendment intended to include all manipulated or process butter.

Fraudulent butter in which chemicals have been used for deodorization and which is adulterated with any foreign substance is treated in the same manner and taxed 10 cents per pound alike with oleomargarine containing artificial coloring, and is placed under the supervision of the Bureau of Internal Revenue, while process or renovated butter, when pure, is taxed one-fourth of 1 cent per pound alike with oleomargarine without artificial coloring.

It is anticipated that this legislation will prevent fraud, protect the public from an article of food of unknown or doubtful origin, and insure to purchasers of butter the pure product of the churn and dairy.

The amendments recommended to certain provisions of the bill as passed by the Senate are designed to perfect the measure, and, I might add for the information of the House, that all of these amendments have been submitted to the chairman of the Senate Committee on Agriculture and Forestry and met his approval. Should the bill be passed as now, without further amendment, it is confidently hoped that the Senate will promptly concur with the House, and that Congress will not soon be asked for further legislation of this character.

As an indication of the views of the manufacturers of pure and legitimate process or renovated butter, I read for the information of the House a communication received from C. H. Weaver & Co., of Chicago, Elgin, Omaha, Minneapolis, New York, Boston, etc., a most reputable firm, represented to be the largest producers of renovated butter in the United States:

CHICAGO, *April 19, 1902.*

HON. E. STEVENS HENRY,
Washington, D. C.

DEAR SIR: We are the largest producers of "process" or "renovated" butter in the United States and third oldest in the business, having invested here and in our branches close to $200,000; and as such we desire to register our hearty approval of the provisions of the H. R. 9206, which relates to this article.

We are in favor of these provisions, as we believe the majority of the 30 manufacturers to be, because it will save our business from a number of evils which threaten it—namely, adulteration of the product and such practices upon the part of the trade that might result in the end in more stringent and unjust State legislation.

Our product has merit and a field. It is not what Congress believes it to be—a product of rancid, dirty butter, worked over with the aid of chemicals. There may be such a product, but we are not familiar with it. It is our experience that process butter to be good must be made of the best possible dairy butter. Poor butter makes a poor product.

We are threatened with an era of adulteration in butter, however, which if not checked by some such provisions as are contained in H. R. 9206, will drive all manipulators of butter to be adulterators, because a few are already gaining advantage through adulterations that would cause others to resort to the same or go out of business. We are willing to be taxed $50, $100, $600, or even $1,000 per year and one-fourth cent per pound upon our product for the sake of having the Government take in hand this manipulation of butter and save us from being driven to questionable methods through competition. And we say further, that in the end the farmer, from whom we buy our raw material, will profit many times the amount of the small tax imposed through the standing the Government guaranty of its purity will give process butter, a product now resting under unjust suspicion of being unwholesome if not unhealthful.

You will find no evidence that the process butter makers have ever fought the laws of their States. Therefore we ask that in acting upon H. R. 9206, as amended in the Senate, you make no provisions which will unnecessarily injure our business.

The provisions of the Senate's amendments are complete. They provide for identification through a tax stamp, and sanitary inspection through the Agricultural Department. These provisions are in our interest, in the farmers' interest, and in the interest of the public. They will be lived up to, as there is not profit enough in the article to warrant the expense of fighting laws. We pay almost as much for farmers' butter in the city as the creamery does the patrons in the country.

The "process" manufacturers with whom we come in contact, with one or two exceptions, take the same view of this matter that we have expressed. They have witnessed the retribution which the oleomargarine makers have brought about through their years of defiance and evasion of laws, and have no desire to follow in their steps and live under the odium which clouds that business. Those who desire to be honest welcome laws which will make the remainder so. State laws are often so loosely enforced as to tempt the few and compel the many to follow in order to protect their own business. Let us have a law that will be enforced through the taxing power, and we will have no fear that our competitors are securing unfair advantage of us through its violation.

Therefore, in the name of honest dealing, the protection of the public, and the interest of those who produce the farm butter from which is made this product, "renovated" or "process" butter, we commend the Senate amendments to the oleomargarine bill.

Respectfully, yours, C. H. WEAVER & CO.

The Committee on Agriculture have unanimously agreed to recommend an amendment to section 4 of the bill, drawn by Prof. Henry C. Alvord, Chief of the Dairy Division of the Department of Agriculture, and approved by Secretary Wilson. This amendment I send to the Clerk's desk.

The Clerk read as follows:

On page 6, strike out the lines from 6 to 16, inclusive, and after the word "cream," in line 1, insert a semicolon and these words: "that 'process butter' or 'renovated butter' is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting 'adulterated butter,' as defined by this act."

Mr. HENRY of Connecticut. The definition suggested by the Department of Agriculture for process or renovated butter modifies the terms of the Senate amendment and classifies as process or renovated butter only such as has been melted, clarified, and rechurned in milk or cream, and can not possibly interfere with any process employed upon the farm or in the country store in the harmless manipulation of butter bought or taken in exchange for merchandise.

Mr. MANN. Would the gentleman, before he takes his seat, answer a question or two?

Mr. HENRY of Connecticut. Certainly.

Mr. MANN. On this question of artificial coloration—I suppose the committee have given consideration to that question—am I right in understanding that the manufacturer of high-grade oleomargarine does not have the right to continue the use of creamery butter?

Mr. HENRY of Connecticut. Yes, sir; he still has that right, and he sometimes uses creamery butter, but more often cream itself.

Mr. MANN. Well, as I understand, creamery butter is not used in the manufacture of any kind of oleomargarine except the high grade. Only in the manufacture of a high class of oleomargarine do they use butter——

Mr. HENRY of Connecticut. Sometimes butter is used, but more often milk and cream.

Mr. MANN. As one of the ordinary ingredients?

Mr. HENRY of Connecticut. Where milk and cream are not available, they do use butter.

Mr. MANN. Now, would it be, in the opinion of the gentleman or of the committee, permissible to continue the use of creamery butter as one of the ingredients in the manufacture of oleomargarine under the provisions of this bill?

Mr. HENRY of Connecticut. Undoubtedly.

Mr. MANN. Would it be necessary in order to do that that the oleomargarine manufacturer first analyze the creamery butter, and see whether there was any articial coloration or color in the creamery butter, or could he use it as he purchased it in the market?

Mr. HENRY of Connecticut. In answer to that, I would refer to a conversation which I recently had with a representative of one of the largest oleomargarine manufactories in the country, and he says it is an absolute fact that they could not use, under the terms of this bill, butter that had been artificially colored; that legal proceedings already made covered that point.

Mr. MANN. The gentleman will pardon me; there has been no law of this kind in effect. I do not wish to get the opinion of an oleomargarine manufacturer, but the gentleman's opinion in that matter.

Mr. HENRY of Connecticut. I do not regard my opinion as valuable as that of an expert.

Mr. MANN. There could have been no expert opinion in this matter, because that is a question that has never arisen up to this time.

Mr. WADSWORTH. It rose in a State court, and the State court decided that the manufacturer of oleomargarine could not use colored butter, or coloring that affects the color as to oleomargarine.

Mr. MANN. That would depend upon the State, and how the local judges were influenced. I object to taking the opinion of a local judge of an ordinary State upon that question.

Mr. SHACKLEFORD. Do you mean to say that State judges can be influenced?

Mr. MANN. Oh, yes; by local opinion.

Mr. TOMPKINS of New York. What State? Not New York.

Mr. MANN. Oh, I understand; not New York! The judges in New York are selected with that use of political influence that public opinion has no influence on them whatever.

Mr. TOMPKINS of New York. It never influences them.

Mr. MANN. No. Will the gentleman from Connecticut pardon me another question with reference to section 4 of the bill? That is that provision of the act referring to what is the definition of butter on page 5 of the bill:

SEC. 4. That for the purpose of this act "butter" is hereby defined to mean an article of food as defined in "An act defining butter."

What is the definition in the bill that you refer to?

Mr. HENRY of Connecticut. This language on page 5 in section 4 is the definition of what is termed in this bill adulterated butter.

Mr. GRAFF. But it starts out with adopting a definition of butter itself as to pure butter. That is already in existing law. In section 4 the bill reads: "That for the purpose of this act 'butter' is hereby defined to mean an article of food, as defined in 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.'" That is practically the definition, and defines butter as being made with pure milk and cream, with or without salt and with or without coloring matter. That is the definition of butter. Then section 4 follows by defining adulterated butter.

Mr. MANN. That defines itself.

Mr. GRAFF. In substance that definition defines adulterated butter as being butter which contains some deleterious drug or substance which has entered into the butter for the purpose of curing rancidity, and which, of course, is an unhealthful substance; and in that respect there is a line of demarcation between that butter, which, of course, no one would object to have weighted down with proper regulations and notification to the consumer as to what it was—there is a line of demarcation between that and renovated butter which is acknowledged to be a healthful article.

Renovated butter is defined in this section as butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter. The Committee on Agriculture of the House, when they had the consideration of the Senate amendments, concluded there was an element of doubt about the certainty of that definition, that it might comprehend a great deal more than anybody would desire to have it comprehend, especially in the use of the words "melted" or "unmelted." It might include storekeepers in the country, where butter that they receive from their customers, absolutely healthful, is put together in tubs and labeled. There is no reason whatever why there should be any regulation of that product, because it is absolutely healthful, and so the committee proposed to amend this Senate definition of renovated butter by adopting the following in place of the words on page 6 of the bill, after the word "cream" and down to and including line 16 of the bill, by striking all that out and substituting the following——

Mr. HENRY of Connecticut. If my friend from Illinois will allow me to interrupt, and then I will yield to him, the committee have unanimously agreed to offer one amendment to the bill making the definition of process butter more satisfactory, and also to make it clearer that the country grocer will not be subject to the provisions of this law when packing butter known in the market as labeled butter. Now I will yield to the gentleman from Illinois.

Mr. MANN. Will the gentleman from Connecticut permit me to get a little further information before he yields to the gentleman from Illinois?

Mr. HENRY of Connecticut. I will.

Mr. GRAFF. Will the gentleman from Illinois permit me to complete my statement?

Mr. MANN. Certainly.

Mr. GRAFF. As I was saying, the Committee on Agriculture of the House propose to amend the Senate amendment by striking out, after the word "cream," all down to and including line 16, on page 6, and substitute the following:

That process butter or renovated butter is hereby designed to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting adulterated butter as defined by this act.

Renovated or process butter is a legitimate subject of commerce, as any healthful product should be, and this regulation which is sought by this bill is approved by the manufacturers of renovated or process butter themselves in the country. We did not wish to include the innocent and perfectly proper process of the country grocers from engaging in mixing different butters which they purchase from the farmer and put them in such a position that they might not market them together by mixing them unmelted.

I have a letter from C. H. Weaver & Co., dealers in butter, eggs, and poultry, 129 South Water street, Chicago, dated April 19, 1902, which I will read. It is as follows:

C. H. WEAVER & CO.,
BUTTER, EGGS, AND POULTRY,
129 South Water Street, Chicago, April 19, 1902.

DEAR SIR: We are the largest producers of "process" or "renovated" butter in the United States and third oldest in the business, having invested here and in our branches close to $200,000, and as such we desire to register our hearty approval of the provisions of the H. R. 9206, which relates to this article.

We are in favor of these provisions, as we believe the majority of the thirty manufacturers to be, because it will save our business from a number of evils which threaten it, namely, adulteration of the product and such practices upon the part of the trade that might result in the end in more stringent and unjust State legislation.

Our product has merit and a field. It is not what Congress believes it to be, a product of rancid, dirty butter worked over with the aid of chemicals. There may be such a product, but we are not familiar with it. It is our experience that process butter to be good must be made of the best possible dairy butter. Poor butter makes a poor product.

We are threatened with an era of adulteration in butter, however, which if not checked by some such provisions as are contained in H. R. 9206 will drive all manipulators of butter to be adulterators, because a few are already gaining advantage through adulterations that would cause others to resort to the same or go out of business. We are willing to be taxed $50, $100, $600, or even $1,000 per year and one-fourth cent per pound upon our product for the sake of having the Government take in hand this manipulation of butter and save us from being driven to questionable methods through competition. And we say further that in the end the farmer from whom we buy our raw material will profit many times the amount of the small tax imposed through the standing the Government guaranty of its purity will give process butter, a product now resting under unjust suspicion of being unwholesome if not unhealthful.

You will find no evidence that the process-butter makers have ever fought the laws of their States. Therefore we ask that in acting upon H. R. 9206, as amended in the Senate, you make no provisions which will unnecessarily injure our business.

The provisions of the Senate's amendments are complete; they provide for identification through a tax stamp, and sanitary inspection through the Agricultural Department. These provisions are in our interest, in the farmers' interest, and in the interest of the public. They will be lived up to, as there is not profit enough in the article to warrant the expense of fighting laws. We pay almost as much for the farmers' butter in the city as the creamery does the patrons in the country.

The "process" manufacturers with whom we come in contact, with one or two exceptions, take the same view of this matter that we have expressed. They have witnessed the retribution which the oleomargarine makers have brought about through their years of defiance and evasion of laws, and have no desire to follow in their steps and live under the odium which clouds that business. Those who desire to be honest welcome laws which will make the remainder so. State laws are often so loosely enforced as to tempt the few and compel the many to follow in order to protect their own business. Let us have a law that will be enforced through the taxing power and we will have no fear that our competitors are securing unfair advantage of us through its violation.

Therefore, in the name of honest dealing, the protection of the public, and the interest of those who produce the farm butter, from which is made this product, "renovated" or "process" butter, we commend the Senate amendments to the oleomargarine bill.

Respectfully, yours, C. H. WEAVER & CO.

Now, these dealers say that they are willing to be taxed $50 or $100, or $600 even, but the Committee on Agriculture thought that the thirty manufacturers engaged in manufacturing process or renovated butter might find it easier to form themselves into a monopoly in their business if they were taxed $600, the same amount of tax fixed by the bill for manufacturers of adulterated butter, and therefore the committee concluded to strike out the provision of $600 imposed upon the manufacturers of renovated and process butter and place instead simply a tax of $50, and yet sufficient to enable the Government to inspect and regulate the business and see what ingredients went into the manufacture of the renovated butter, and at the same time permit small dealers who desired to engage in the manufacture of renovated and process butter without laying upon them a heavier burden of taxation than they could bear.

In addition to this, the Senate committee imposed the tax, and a majority of the House committee concur, that we would lay a tax of one-quarter of a cent a pound upon renovated or process butter. It is necessary for the taxing power of the Government to be exercised in order to follow it up with proper regulation and inspection. And as to this imposition of a quarter of a cent per pound of taxation upon renovated or process butter, there is no objection from any source.

In addition to this, we found from investigation that the process through which renovated butter goes is clarification or refinement. It becomes regranulated when refined, and to clarify it it must necessarily be melted; so that the confining of the definition of renovated or process butter to that of melted by the House committee in the amendment to the Senate definition is all right, because there can be no clarification, there can be no refining of butter, except by going through the process of melting.

This House passed the oleomargarine bill under protest by many because it was claimed by those who voted against it that we selected our oleomargarine for inspection and regulation; that we threw the burden of these regulations around the manufacture and sale of oleomargarine while we left the field entirely unrestrained so far as the adulteration of butter itself was concerned; that the consumer, whom it is supposed we are to consult, to some extent at least, in this legislation, was not consulted, so far as his being protected in the matter of the purchase of butter and the guaranty to him that he should know what class of butter he purchased.

First, it must be understood that we propose to impose no restriction or tax upon pure butter under the law, and the only pure butter that does exist is butter that is made entirely and solely of pure milk and cream, with the necessary salt, and some coloration, if desired. We have classified the only two objectionable classes of butter which threaten the consumer's health and perhaps his palate.

This legislation, as we propose to amend it, does not interfere with the country storekeeper who does not have facilities for engaging, and, in fact, does not engage, in the business of clarifying or renovating butter through the process of melting. The bill does not include, as I have said, the processes of ladeling or mixing it without melting, for the market by the country grocer. So that we have treated the subject fairly and from all its bearings; and in addition to the taxation of one-quarter of a cent on renovated and process butter and 10 cents on adulterated butter, there goes with it the application of the Government stamp upon the article itself—the stamping of the renovated butter as renovated butter and the stamping of adulterated butter as adulterated butter.

Mr. MADDOX. Is that the provision of the Senate amendment,

that the adulterated butter is to bear a Government stamp and is to be taxed 10 cents a pound?

Mr. GRAFF. Yes, sir; but the adulterated butter is of such a character that no one ought to purchase it. No one ought to purchase it unless he purchases it coupled with the conditions of this bill. It is not fit for consumption.

The provisions of this bill give the officers of the Government authority to ascertain where adulterated butter is made. Manufacturers of adulterated butter are subjected to a heavier burden of tax than that which is levied upon the manufacture of oleomargarine. Six hundred dollars per year is fixed in the bill as the tax upon the manufacturer of adulterated butter. In addition to this, he must place a sign on the front of his manufactory—"Manufactory of adulterated butter." In addition to this, there are provisions in the bill for the inspection of renovated and process butter, and also of adulterated butter; and these articles, if intended for export, must be branded with the name of the class of butter which they in fact are; and they are subject to the inspection of governmental authority for export.

Of course the House is aware that no tax exists under the present law, nor is any sought to be levied by this legislation, upon oleomargarine or any class of butter which is exported, because that would not be constitutional, in my judgment. The only tax that Congress ever did levy upon any food product for export was, I believe, upon filled cheese, and litigation is now pending in which those interested in the exportation of filled cheese are seeking to recover back the tax paid by them upon the filled cheese which they did export.

Mr. WADSWORTH. Will the gentleman allow me a question? Where does this bill provide for the inspection of adulterated butter destined for export? I think the Secretary of Agriculture is empowered to inspect only process or renovated butter.

Mr. HENRY of Connecticut. As I understand, all the provisions of the original oleomargarine law are applied to adulterated butter, and that law provides for exportation without the imposition of any tax.

Mr. WADSWORTH. Then the two are mixed up in that way?

Mr. GRAFF. I call the attention of the gentleman from New York [Mr. WADSWORTH] to pages 10 and 11 of the bill—that portion of page 10 contained in lines 24 and 25 and that portion of page 11 extending from line 1 to line 8. These parts of the bill extend the provisions of the existing oleomargarine law, with reference to export, to adulterated butter.

Mr. WADSWORTH. I am much obliged to the gentleman for the explanation.

Mr. GRAFF. Mr. Chairman, there has been running through the debate, when this bill was heretofore before the House and in the remarks of the gentleman from Missouri, the idea that the greater portion of the butter of the United States is made by the creameries. But all that argument falls to the ground if it should turn out that comparatively a small portion of the aggregate amount of butter made in the United States is made by the creameries, while the major portion of it is made upon the farms of the United States. I have before me a document from the Agricultural Department, from which I desire to read.

Mr. GILBERT. What is the number?

Mr. GRAFF. It is Circular No. 36 from the Bureau of Animal Industry, and under the heading "Numbers and products of dairy farms" I find the following:

Farms: Total number in the country, 5,739,657. Reported as dairy farms—and under this report of dairy farms are farms deriving at least 40 per cent of their total income from the dairy—357,578. Reporting dairy cows, 4,514,210; number of cows in the country kept for milk on farms, 17,139,674; not on farm, or town cows, 973,033; total dairy cows, 18,112,707. Milk produced on farms, 7,266,392,674 gallons; from cows not on farms, 462,190,676; total amount of milk produced in the United States, 7,728,583,350 gallons. Under the head of "butter," butter made on farms, 1,071,745,127 pounds.

Mind you, this is the number of pounds of butter made, not simply from the milk of the farm, but made on the farm—1,071,745,127 pounds. Now, let us see how many pounds of butter are made in creameries as in comparison with that. It is 420,954,016 pounds. Total production, 1,492,699,143; so that less than one-third of the total amount of butter made in the United States is made in creameries, and more than two-thirds of the butter made in the United States is made, not simply from the milk of the farm, but on the farm itself.

Mr. FEELY. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman yield?

Mr. GRAFF. I will.

Mr. FEELY. I wish to inquire for information if the purpose of this bill is not and its effect will not be to increase the number of pounds of butter made by creameries and sold to consumers and to decrease the number of pounds of butter made by farmers, as the gentleman speaks of.

Mr. GRAFF. It will not, for the reason that the bill only imposes a tax upon classes of butter which are not made by the farmer, but which are manipulated by manufacturers of renovated and process butter or adulterated butter.

Mr. FEELY. One other question. Will not the restrictions placed here on the manufacture of process or renovated butter operate throughout the country to the building of creameries and necessarily place them under a unified creamery control and the shutting out of the farmer in the ordinary store of butter?

Mr. GRAFF. I do not think so.

Mr. GAINES of Tennessee. Will the gentleman yield to a question?

Mr. GRAFF. Certainly.

Mr. GAINES of Tennessee. This morning the gentleman from Missouri [Mr. COWHERD] regaled the House on the great rise in the cost of butter now and said that it was because of this proposed legislation, I believe. I would like to inquire if the gentleman has anything there which will give the House the value of butter previous to this general use of oleo of last year or the year before last. Let us get a comparison, if we can, of that kind.

Mr. GRAFF. I have. I have a list here of the prices of the best creamery butter for sixteen years: 1886, 25 cents and a fraction; 1887, 25 cents and a fraction; 1888, 26 cents and a fraction; 1889, 22 cents and a fraction; 1890, 22 cents; 1891, 25 cents; 1892, 25½ cents; 1893, 25.7 cents; 1894, 22 cents; 1895, 20.6 cents; 1896, 17.8 cents; 1897, 18.4 cents; 1898, 18.8 cents; 1899, 20.6 cents; 1900, 20.7 cents; 1901, 21.7 cents.

Mr. MANN. For what time of the year is that?

Mr. GRAFF. Oh, this is the average of price of the best creamery butter on the Elgin market for the past sixteen years.

Mr. MANN. The average for the year is not any good. Have you the price for a specific month?

Mr. BURLESON. If the gentleman will permit me I will give the price for the specific month. I read from the Crop Reporter, issued by the Agricultural Department. In April, 1896, butter sold—the best creamery extra butter—for 14 cents; in 1897, 17 cents; 1898, 17 cents; 1899, 17 cents; 1900, 17.5; 1901, 18 cents; 1902, 29 cents.

Mr. GRAFF. What does the gentleman mean by 1902?

Mr. BURLESON. April.

Mr. GRAFF. Oh, the month of April.

Mr. BURLESON. The same period of time during each year.

Mr. GRAFF. But the month of April would be the very poorest month in the entire year for the purpose of measuring the true price of butter or the average price which the consumer would have to pay.

Mr. MANN and Mr. SCOTT rose.

Mr. GRAFF. I desire to have the opportunity to reply to the questions which have been asked me, gentlemen. Right at this time we are between hay and grass. In the course of three weeks we will be right in the middle of grass butter. Anyone who would invest in butter at this time, produced at the most unfavorable period in the year, would have to compete with the grass butter which will come in less than three weeks. He would not have a fair opportunity.

Mr. WILLIAMS of Mississippi. But if the gentleman will excuse me, were you not in exactly the same position in April of last year and in April the year before that?

Mr. GRAFF. It is not a fair comparison.

Mr. WILLIAMS of Mississippi. But the comparison is fair between the same months in different years.

Mr. GRAFF. This is the time of the transition period from hay butter to grass butter. It is a time when no one can place any credence on the permanency of the price of butter, and it is not a fair index.

Mr. MANN. Mr. Chairman——

Mr. GRAFF. Oh, I want to conclude my speech to-day.

Mr. MANN. We will give you plenty of time.

Mr. GRAFF. I want to read an interesting telegram just received for the benefit of the gentleman who just asked me the question:

Butter market has declined to 27½, a fall of 5½ cents in four days, due to increased supply.

That is due to the increased supply coming upon the market, which will soon be face to face with the competition of the grass butter.

Mr. MANN. Does the gentleman claim that grass butter does not come in, in his part of the country, earlier than now?

Mr. GRAFF. It comes in whenever the grass is up so that the cows can eat it.

Mr. MANN. The grass has been up in central Illinois, where the gentleman comes from, for nearly a month.

Mr. WILLIAMS of Mississippi. Did not grass butter come in

just as soon last year, and the year before, and the year before that, as it does this year?

Mr. GRAFF. I suppose it did.

Mr. MANN. It has been on the market in Chicago for three or four weeks.

Mr. WILLIAMS of Mississippi. If you object to taking April because it is the transition period between hay and grass, why do you object to taking April of last year and the year before that and the year before that, and comparing those April prices with the April prices of this year? April was as much a transition period then as now.

Mr. GRAFF. The price of butter will usually be high in April, because usually it is scarce in that month; because manufacturers of butter do not seek to flood the market with butter during that period of the year.

Mr. WILLIAMS of Mississippi. But they did not seek it last year either.

Mr. GRAFF. But you gentlemen try to produce statistics, selecting what you believe to be the highest period of the year for butter.

Mr. BURLESON. This is the crop report for this month.

Mr. GRAFF. If you propose to find out whether there is an excessive price or not, the more logical course would be to take the average price of the product for the entire year, taking the favorable periods and the unfavorable periods.

Mr. COONEY. I should like to make a suggestion along that line to my colleague, that the question of the high price of feed comes in at this time, when a great many cows are being fed on the feed of last year.

Mr. WILLIAMS of Mississippi. But it was the same last year, though.

Mr. COONEY. No; we are passing through a different condition from what we have passed through at this time for several years. The winter fodder has been pretty well eaten up, and a great many cows have gone dry. Is there not something in that?

Mr. GRAFF. I think that is a very important element in the case.

Mr. BURLESON. But it does not consist with that telegram, which says that the supply of butter has increased.

Mr. GRAFF. Certainly; there happens to be an oversupply of butter at the New York market.

Mr. GAINES of Tennessee. If this bill passes will not the farmers and butter makers increase their stock of cattle and invest more money in the dairy business?

Mr. GRAFF. That is true.

Mr. GAINES of Tennessee. And is not that business now being discouraged and broken down in the country by reason of this fraudulent stuff that is put on the market?

Mr. GRAFF. That is true.

Mr. HASKINS. What fraudulent stuff?

Mr. GAINES of Tennessee. Oleomargarine.

Mr. MANN. And colored butter!

Mr. GRAFF. I have some interesting statistics in connection with the subject to which the gentleman from Tennessee alluded, and that is the connection between the live-stock interest and the butter interest. As a matter of fact they go hand in hand.

Last year Hoard's Dairyman made an investigation of the profits derived by owners of cows who produce milk for the creameries. Dunn County, Wis., was selected, and the owners of 52 dairies were visited. This representative found the 52 farmers kept 647 cows. The following statement gives the result:

Average pounds of butter per cow	220
Average returns from creamery per cow	$39.51
Average cost of feed per cow	$27.00
Average net price of butter per pound, after deducting cost of making and marketing (about 4 cents per pound)	$0.1709
Value of butter, over and above cost of feed, per cow	$12.51
Cost of hauling milk to creamery, per cow	4.50
Net income to farmer for time and labor in caring for a cow 365 days	8.01

Or, reducing to further details, with 21½ cents average wholesale price for his butter, the farmer received 1½ cents net for his labor each milking, or 2¾ cents a day for taking care of a dairy cow, after paying for her feed and hauling of milk.

The record shows during the period up to 1898 and 1899 a decreased amount in the manufacture of butter. The shipments to the cities show that. The statistics of the Agricultural Department show that and the statistics also show that the milch cows are being shipped to the cities for the purpose of being killed for beef.

Mr. GAINES of Tennessee. Can the gentleman state how the number of milch cows has diminished?

Mr. GRAFF. I have no statistics on that.

Mr. BURLESON. Will the gentleman yield to me for a question?

Mr. GRAFF. Yes, sir.

Mr. BURLESON. I submit very rightly the suggestion made by the gentleman from Missouri the high price of butter might have been explained by the increased price of food stuff, like hay, etc.

Mr. GRAFF. Yes, sir.

Mr. BURLESON. Then how do you account for the decreased price of milk at the same time?

Mr. GRAFF. I do not know. Where do you get the statistics on that?

Mr. BURLESON. It is unquestioned. The market reports show that.

Mr. GRAFF. If the price of milk goes down under the manipulation of the creameries, what will be the result? The result will be that the farmer will retain the milk and make his own butter. That is the solution of that problem. It needs no aid of legislation to correct that problem. It will correct itself.

Mr. BURLESON. I was not asking you the results, but for an explanation.

Mr. GRAFF. I do not know of any man who can explain the reason for all prices in the country, and you can not put the philosophy of all economy in a nut shell.

Mr. HENRY of Connecticut. The price of milk always falls in the spring of the year.

Mr. WILLIAMS of Mississippi. But the price of butter has also gone up, and the price of milk has gone down. That is the proposition you are faced with.

Mr. MANN. For the first time, ever.

Mr. BURLESON. And that is shown by statistics.

Mr. HENRY of Connecticut. I think it is owing to the beef trust.

Mr. MANN. It is a popular thing to put everything on the beef trust now.

Mr. GRAFF. Right in connection with the discussing of the milch cows and the shipping of them by the farmers, he goes out of milk business when he ships them to the cities to have them killed for beef. I may say that that bears very immediately upon the question of the cattle interests, and when the farmer is enabled to add to the profit by the sale of his milk from the cow raising the calf, these two elements enter into the consideration of his business in that connection, and the raising of the calves and the keeping of the milch cows are coupled together irresistibly on the basis of the beef interests and coupled with the number of cattle in the country are determined by the farmer being enabled to profitably retain his milch cows.

Mr. MANN. Will the gentleman answer a question?

Mr. GRAFF. I will answer it, if I can.

Mr. MANN. The gentleman makes an argument in favor of this bill in order to produce a greater number of cattle. I may be mistaken, but I had an impression that it was the custom in the creamery districts to knock the bull calves in the head, that it never paid in the creamery districts to feed milk to a bull calf, and that it was not the custom, and that all they raised was the heifer calves.

Mr. GRAFF. That may be true as to those farmers who derive 40 per cent of their profits from the sale of milk, but I say here that the other two-thirds or three-fourths or at least a larger proportion is produced by the farmer who does not rely upon the making of butter alone and does not maintain the milch cow for that purpose alone, but it is an incident to his business and a profitable incident; and the fact that the amount of butter produced in this country was lessened during the period of years preceding 1901 shows that we can legitimately say that the cause of that was the unjust competition in the sale of oleomargarine with the cow butter.

Mr. GROSVENOR. Mr. Chairman, the gentleman from Illinois has kindly yielded to me to ask of the committee unanimous consent to print some remarks on this bill at some point of time after the close of the debate. I intended to have spoken on this question along the line of my former speech, but I find that I must leave for several days, and the time is about up, and therefore I ask this consent.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER of Illinois. Will the gentleman yield to me for a question?

Mr. GRAFF. Yes.

Mr. FOSTER of Illinois. The gentleman says that the general purpose of this bill is to prevent the fraudulent sale of oleomargarine under the guise of butter. Is there anything in this bill which would prevent the imposition on the public of adulterated or renovated or process butter in the guise of butter?

Mr. GRAFF. Certainly there is.

Mr. FOSTER of Illinois. The gentleman refers to the provision on page 9 of this bill?

Mr. GRAFF. Perhaps the gentleman has got the wrong bill. There are extensive provisions covering the taxation of the manufacture and the article itself and the inspection of both renovated

and adulterated butter at the factory, and the consumer is protected in the purchase of it and it is subject to inspection for export.

Mr. FOSTER of Illinois. On page 9 of this bill it says that the "dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from the same shall be placed in suitable wooden or paper packages," etc. Does the gentleman think that will prevent fraud?

Mr. GRAFF. Oh, I see the object of the gentleman is to renew the discussion which occurred at the time the original bill passed the House.

Mr. FOSTER of Illinois. I was about to call the attention of the gentleman to the fact that it has been the contention of gentlemen on the other side of this question that such a provision, the identical provision here contained in the present law, does not prevent the imposition of fraud on the part of dealers.

Mr. GRAFF. I think the House passed upon that question. Adulterated butter is coupled with a tax of the same amount as that which is made upon colored oleomargarine, and renovated-process butter is placed upon exactly the same level as uncolored oleomargarine.

Mr. FOSTER of Illinois. I understand the bill provides for a tax of one-quarter a cent a pound.

Mr. GRAFF. Upon renovated or process butter, and 10 cents a pound on adulterated butter.

Mr. FOSTER of Illinois. If you intend to prevent the imposition of fraud on the public, why do not you impose a tax of 10 cents on renovated or process butter?

Mr. GRAFF. Because we desire to draw a distinction between the two classes of butter. Because there is a distinction as regards healthfulness as a food product.

Mr. FOSTER of Illinois. Will this provision prevent the public from being deceived in buying adulterated or renovated butter for pure creamery butter?

Mr. GRAFF. In my judgment, it will amply protect them.

Mr. FOSTER of Illinois. Then why will it not protect them in buying oleomargarine for pure creamery butter?

Mr. GRAFF. Because while adulterated butter is objectionable, it is still butter, and the laying of a heavy tax upon it would seem adequate to any reasonable person, and perhaps throw it out of the market altogether. It might be questionable whether it ought to go into the market. The attitude of oleomargarine is that it is sought to sell it as another article; it is sought to be sold as butter. I do not care to renew the argument, which it seems was complete enough to satisfy most anybody when the original bill was discussed in this House.

Now, Mr. Chairman, I want to say in conclusion that we have attempted to follow the majority in this House, and even the indications or the desire of the minority, when they claimed that it was unfair that we did not deal with both articles. We have done so. We have attempted to draw the bill so as to be fair, so as to protect the men engaged in the business. I believe that if uncolored oleomargarine can be sold upon its merits, if it meets with the demand when it is known upon its merits, it will result in the increased sale of the production of uncolored oleomargarine. If in the fair trade in oleomargarine it is coming, then it ought to come, and if it is desired by the public, the fact that it is labeled, and identified, and inspected will give the consumer double the assurance of what he is getting. [Applause.]

Mr. WADSWORTH. I now yield thirty minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, the minority of the Committee on Agriculture have no disposition to delay the House by a protracted and profitless discussion on the merits of this measure. In regard to the amendments to the Senate amendments, which are now properly before this committee, which will be offered by the majority of the Committee on Agriculture, I wish to say the minority will, for the most part, concur. The minority, however, will have some additional amendments to offer at the proper time in order, as they believe, to make this bill consistent with itself and more adequately to guard the interests of the consumers of butter.

In a general way I may say that the Senate amendments assume to treat adulterated butter in substantially the same way that the original bill proposed to treat oleomargarine. The Senate amendments make a distinction between adulterated butter and process or renovated butter. It is the belief of the minority of the Committee on Agriculture that in practice, after this bill goes into effect, there will be no adulterated butter on the market. It would seem to go without saying that there will be no demand for a product which admits itself on its face to be impure, unwholesome, and deleterious to the public health. It is the opinion of the minority, therefore, that the firms and factories which have heretofore been engaged in the manufacture of adulterated butter will, after the passage of this bill, endeavor to continue the manufacture of the same product under the designation of process or renovated butter. Hence we believe that it is absolutely essential for the proper protection of the consumer that the same safeguards should be thrown around the manufacture and sale of process and renovated butter as the Senate amendment assumes to throw around adulterated butter, and the amendments which we shall offer will be aimed in that direction.

While, as I stated in the beginning, we have no wish to protract the discussion on this bill, I do desire to call the attention of the House very briefly to certain facts and certain expressions of sentiment which seem to me to confirm with great emphasis the position of those of us who opposed this bill when it was formerly before the House for consideration. It was our contention at that time that the legislation proposed in what has become so widely advertised as "the Grout bill" was brought forward here at the behest and for the benefit of a selfish and powerful interest. We believed (to state the matter frankly) that that bill was the result of an agitation carried on by a combination of the great creamery interests of this country, having in view the breaking down of the competition of another product which went into the same markets. It was our contention at that time that the interest which was behind that legislation had no regard for the consumer, was not influenced by any desire to protect the health or the pockets of the purchasers of butter, but was governed solely by selfish considerations.

In confirmation of the view then expressed, I desire to call the attention of the House to a condition of facts very clearly set forth in a newspaper article which is brief and which I will read. It is from the Sussex (N. J.) Independent, a newspaper published in the center of one of the greatest dairy sections of this country. The article reads as follows:

THE DAIRY SITUATION—THE RECENT DROP IN THE PRICE OF MILK UNWARRANTED BY CONDITIONS—MILK GOES DOWN IN FACE OF THE FACT THAT IT IS SCARCE AND BUTTER IS HIGHER THAN IT HAS BEEN IN MANY YEARS.

In previous years during the second week in April butter has always taken a drop in price.

Milk has correspondingly dropped in price.

Who can explain the conditions to-day? Last week the price of creamery butter jumped to 31 cents per pound, and it is an acknowledged fact that milk is scarcer at this time in April than it has been at the same time in many years, for several reasons. First, the cows in commission are giving less than their average quantity of milk. Many farmers are out of hay and there is no grass. Feed is just as high in price as it was at any time last month. Farms that have been overstocked beyond their feed-growing capacity have reduced their herd, and no particular new milk territory has been opened, and ten cooperative creameries are in operation now where one was going five years ago.

Naturally, this explains the shortage of milk, but in the face of this, what explains the action of the milk exchange on Monday?

If the oleomargarine bill pending in Congress becomes a law it will reduce the sale of that article from 100,000,000 pounds a year to practically nothing.

With 100,000,000 pounds of oleo and large quantities of process and renovated butter also withdrawn from the butter market there will be room for 100,000,000 pounds of real butter in addition to the present supply.

At 10 quarts of milk per pound of butter it will require 1,000,000,000 quarts more of milk per year to supply the extra butter. This means that to the present number of milch cows in the country there must be added 363,300 cows that yield 3,000 quarts of milk per head per year, or 436,000 cows that yield 2,500 quarts each, or 545,000 cows that yield 2,000 quarts each, or 725,000 cows that yield 1,500 quarts each, or over 900,000 cows that yield the 1,200 quarts estimated to be the average yearly production of the cows of the country as a whole.

Can there be any surplus of milk, butter, and cheese until this very large addition to dairy cows is made?

The substance of that article is condensed in another statement, which I will give to the House, showing that the price of milk in New York April 1, 1901, was 2¼ cents per quart; that butter in the same market on the same day of last year was 21 cents per pound; that milk in April of this year is 2¾ cents per quart, while butter is 28 cents per pound. In other words, we find, comparing the prices of milk and butter in April of last year with the prices of the same articles in April of this year, an addition of one-tenth of 1 per cent in the price of milk, as against a gain of 33⅓ per cent in the price of butter. Is not that conclusive evidence that the price of these products is absolutely under the control of a combination, and that this combination has put down the price of milk at the same time that it has arbitrarily advanced the price of butter?

Mr. COONEY. Has the gentleman the figures showing the comparative amount of milk produced at the given period in each year, and also comparatively the number of pounds of butter produced at the same periods?

Mr. SCOTT. I have not that information.

Mr. COONEY. Suppose that there had been an increased production of milk and not a corresponding decrease in the production of butter, might not that fact produce such an effect as the gentleman mentions?

Mr. SCOTT. I have assumed that the conditions in April, 1901, were substantially the same as the conditions in April, 1902. I can not conceive of conditions being such at to result in an increased production of milk without a corresponding increase in the production of butter. As a matter of fact, it is known to all of us that the conditions for the production of milk and butter

are much worse this year than they were last year. It is reasonable to assume, and it is a matter of common knowledge, that there is less milk produced and consequently a scarcity of butter. I admit at once that there is a good reason for the advance in the price of butter, but I insist that the price of milk should keep pace with the advance in the price of butter, and that there is no reason for a depreciation in the price of milk at the very time when there is an advance in the price of butter.

I remember that the gentleman from Illinois [Mr. GRAFF], in the remarks which he had occasion to submit a few minutes ago to the House, objected very strenuously to a comparison which attempted to show the price of butter in April of last year and April of this year. He insisted that April is a season when we are between hay and grass, when the conditions are bad for the production of butter, and that it is unfair and inconsistent to attempt to draw such a comparison; but I submit that the conditions in one year in April are substantially the conditions of another year in the same month, and that the comparison drawn by the gentleman from Texas [Mr. BURLESON] was absolutely justified.

Now, in further substantiation of the remark I made in the beginning touching the attitude taken by those who opposed this measure when it was first before the House, and in confirmation and emphasis of the correctness of that position, I desire to read a paragraph from a letter which I received recently from the manager of the Continental Creamery Company, at Topeka, Kans. The writer of this letter says:

> In regard to the $600 license tax imposed by the Harris amendment upon manufacturers of process butter, I assure you it will not interfere with the business of the creameries in Kansas. My concern is doing a very large process-butter business, more, perhaps, than any other plant in the United States, and I assure you that the Harris amendment, as covering process butter and adulterated butter, gives great credit to Senator HARRIS. It is just and equitable in every way, and we would be very much pleased indeed if these amendments would be concurred in by the House and the bill passed just as it passed the Senate.

Now, bearing that in mind, I wish to read a single sentence from a letter addressed to me by the manager of a creamery, an independent concern running with a small capital in my own town, an institution which is not included in the creamery trust. This gentleman says:

> We are willing to pay the one-quarter cent per pound revenue if necessary, but the manufacturers, wholesalers, and retailers' license will put dairy butter out of existence.

Now, I call your attention to the point which I think is clearly made by the extracts which I have read from these two letters. The first is from the manager of a great combination of interests, a combination which controls 400 creameries in a single State, a combination which produces a million pounds a year of process or renovated butter.

The second extract which I read in your hearing was from a man who is managing his own little creamery in a small town, outside of and independent of the trust. The manager of the trust gives the glad hand to this amendment, which imposes a tax of $600 a year on the manufacturers of renovated or adulterated or process butter. Why? Because he knows just exactly what my friend from my own town says—that the imposition of that tax will drive out of existence the small creameries. It seems to me there can be no other reason why this great interest should welcome such heavy taxation. That it does so is assuredly "confirmation strong as proofs of holy writ" that the declarations made upon the floor of this House to the effect that this legislation was demanded by the great butter factories for the benefit of their own selfish interests is more than justified. Why, otherwise, should the manager of this great combination come here and ask that this House impose what he knows will be a prohibitory tax upon the men engaged in a small way in his own business?

In addition to what has already been said, and referring in this respect but very briefly to what might be regarded as the general merits of this measure, the minority of your Committee on Agriculture are of the opinion that the bill as now before this House, carrying with it the Senate amendments, does not give adequate protection to the consumer of butter, for the reason, as suggested a few moments ago by the gentleman from Illinois, Mr. FOSTER, that there is no safeguard drawn about the sale of adulterated butter further than that which is now thrown about the sale of oleomargarine. I was amazed that the gentleman from Illinois, Mr. GRAFF, fell into the trap which his colleague evidently laid for him, by admitting or by asserting it as his opinion that the provisions of the Senate amendment would give ample protection to the consumers of adulterated butter.

Why, the gentleman—I regret he is not in his seat—certainly knows that the provisions of the Senate amendments guarding the sale of adulterated butter are precisely the provisions of the present oleomargarine law, passed in 1886, regulating the sale of that product. Therefore, when he admits that the provisions safeguarding the sale of adulterated butter as laid down in this bill are sufficient and ample he admits that the provisions safeguarding the sale of oleomargarine are ample, and therefore that there is no reason whatever for the passage of this original bill. Upon his own confession I submit that no other conclusion can be reached.

The gentleman from Illinois [Mr. GRAFF] read statistics here from a public document to the effect that less than one-third of the butter produced in the United States is made in creameries, while more than two-thirds is manufactured on the farms. It is not necessary for the purpose of this argument to dispute the correctness of those figures; and yet the gentleman himself would be the first to admit that it is the organized corporations who produce the one-third of the butter of the United States, brought together by a community of interests, who are able absolutely to control the price of butter. There is not a man on the floor of this House who will claim that the price of butter in any city market is controlled in the slightest degree by the butter produced by the farmers in their own homes. The contention that the creameries have nothing to do with regulating the price of butter, or, indeed, that the farmers realize their proper proportion of the present high prices, can not be maintained.

As I stated in the beginning, Mr. Chairman, I do not desire to delay the House, and I shall not at this time ask for further indulgence. At the proper time the members of the minority of the Committee on Agriculture will ask leave to offer certain amendments. These amendments will be offered seriously and in good faith, because it is our belief, after a careful and thoughtful study of this measure, that the amendments which we offer will be in the direction of consistency, will be in the interest of the consumers of butter in the United States, and will at the same time in no manner militate against the interest of the honest manufacturers of and dealers in pure butter.

Mr. MANN. Mr. Chairman, it is not my intention to detain the House at any length.

The CHAIRMAN. One moment. The gentleman from New York [Mr. WADSWORTH] is entitled to the floor. He yielded a portion of his time to the gentleman from Iowa.

Mr. MANN. I will take the floor in my own right.

The CHAIRMAN. But the gentleman can not take the floor in his own right in the time of the gentleman from New York.

Mr. MANN. Let the gentleman from New York finish his time then.

Mr. WADSWORTH. I reserve the balance of my time.

The CHAIRMAN. Then the gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, this bill has been changed somewhat since it went through the House, but it does not seem to me that it has been improved any. I was not one of those in the House who voted, when the bill was previously before the committee, for the amendment in regard to process or renovated butter. I did not join with those of my friends upon this floor who were opposed to the passage of this bill in putting that amendment into the bill, because it seemed to me that the same objections to the oleomargarine bill itself applied equally as well to the bill in relation to the manufacture of process or renovated butter. I do not believe, Mr. Chairman, that it is the province of Congress to determine, through the internal taxing power, what shall be eaten or how it shall be manufactured.

I know very well that this bill is before this Congress because some genius originated a plan by which he could make two blades of grass grow where only one grew before. In the history of mankind, up to this time, we have flattered and praised the man who was able to make two blades of grass grow where only one grew before; but now we are engaged in the business of attempting to blot out the second blade of grass in order to prevent rivalry with the first blade.

Mr. Chairman, gentlemen in opposition to the bill on the floor to-day have called attention to the rise in the price of butter, while milk is decreasing in value, and the gentlemen in favor of the bill have indignantly denied that it was the result of this bill. I confess, Mr. Chairman, I do not believe that the passage of this bill, so far as it has progressed to the present time, has had a great effect upon the rise in the price of butter; but if it were not the belief of the gentleman from Connecticut [Mr. HENRY] and the other gentlemen who are advocating this bill that it would increase the price of butter, the bill would not receive a single moment's consideration upon the floor of this House. They would be the ones who would be disappointed. This bill is brought before Congress for the purpose of taking money out of the pocket of the consumer and placing it in the pocket of the producer of butter, and if that were not the fact no one here would be so mean and lowly that he would vote for the bill.

And now having, as they think, accomplished the purpose as to oleomargarine, they go further and say to the man who has made butter that if his butter becomes rancid he shall not cleanse it.

Mr. Chairman, when this bill was considered by the House

before, and the process-butter amendment was adopted by the votes of gentlemen opposed to the bill in part, I said then that the creamery men would be the ones most earnestly in favor of that amendment when they discovered what it was, because they have had to meet the opposition of the process and renovated butter in the past and in the present as well as oleomargarine. Why, Mr. Chairman, to-day in the markets of New York City renovated butter is quoted within 2 cents of the highest price of the best creamery butter. No objection to it, perfectly good and wholesome; but it comes in competition with the creamery butter, and therefore the creamery men wish to crush it out.

Mr. Chairman, I do not wish to make any pretense or claim that I have better knowledge or as good knowledge as the gentlemen who are especially interested in this bill. There is in the district which I happen to have the honor to represent no single oleomargarine manufactory, not one, so far as I know, concerned in any way whatever in the manufacture of oleomargarine or in the manufacture of process or renovated or adulterated butter, and no one in my district who has a special interest in this bill except as a consumer of butter. The question of oleomargarine has been discussed before the House. I do not propose to detain the House with any discussion in reference to that subject. The few words that I say upon the subject of adulterated or process butter is from no personal interest of my own or any personal interest of my constituents, but solely because I believe that the theory of such a bill is adverse to the principles of our form of government.

What does the amendment in this bill propose? It proposes that wherever butter has become rancid it shall not be cleansed, and no one in favor of the bill explains or can explain or deny that proposition. The provision in this bill is absolutely that if dairy butter or creamery butter becomes rancid—and we all know that a large portion of the dairy butter made on the farm does become rancid—then no one can use any substance whatever for the purpose of deodorizing it or removing the rancidity from it without paying a tax of 10 cents a pound. Other people, and at other times, would urge that there be an opportunity given to make good, to make over a spoiled article of commerce. But here is a provision for what they call adulterated butter; it is easy to say adulterated.

I would better say that the statesmanship that brought in this bill was adulterated statesmanship; it would be easy to so characterize, but that would not be proof. This bill defines as adulterated butter that which contains any substance except the butter itself. It requires the aid of no ingredient to make adulterated butter. The manufacturer of process butter who takes a barrel of butter, some of which is rancid, melts it, and uses air, pure air, and water, for the purpose of removing the rancidity, under this bill is a manufacturer of adulterated butter and is liable to a tax of 10 cents a pound in addition to the annual license.

I know very well that is not the intention of the Agricultural Committee, which has framed or agreed to this amendment; but that is the result of the language of the amendment.

Adulterated butter—

In one of the definitions of it in this bill is—

any butter or butter fat with which is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product, or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream—

Or—

in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom.

Now, of course, under this definition of process butter, melted butter, which is thoroughly cleansed by the use of air or water, would under the terms of this bill become adulterated butter.

Mr. DAVIDSON. No.

Mr. MANN. Ah, the gentleman from Wisconsin says "no." I asked the distinguished gentleman from Wisconsin, when this bill was considered in this House before, whether it would have the effect of increasing the price of butter, and he said "no," but he left his answer out of his printed speech. He would not be so strongly in favor of this bill if his constituents were not, and they would not be in favor of the bill if they did not believe it would increase the price of creamery butter. This plainly provides that any butter which is refined, melted, or in which any other manufacturing process is used in it which uses water or air, shall be called adulterated butter and pay a tax of 10 cents a pound.

Now, process and renovated butter is defined to be butter where—

no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing the rancidity therefrom, and to which no substance or substances foreign to pure butter have been added with intent or effect of cheapening cost.

That is the trouble with this bill in another respect. The whole theory of the bill is to prevent anything which will cheapen the cost. Who would have supposed that in the American Congress, in the twentieth century, they would actually propose a bill in which they proposed to make it a finable offense to cheapen the cost of an edible article?

Mr. Chairman, a good deal of complaint has been made in the papers in the last few days and weeks in reference to the beef trust. I do not propose to discuss that subject at this time, but, Mr. Chairman, who in this Hall would rise and advocate a bill to increase the power of the beef trust? If beef products have risen in value because of the trust, because of the agreement between the producers of dressed meat, then why has butter increased in value as milk went down in price? Who here would rise and vote to increase the price of beef? But you gentlemen who propose to pass this bill propose to increase the price of butter, which is just as essential to the table of the American citizen as is beef, and I warn you that when legislation of this kind is commenced and enacted into law, the end of fair government can not be long delayed unless statesmen with a higher idea of devotion to their country and less devotion merely to the selfish interests of their constituents shall prevail. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives, by Mr. CROOK, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On April 22, 1902:

H. R. 13627. An act making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes.

OLEOMARGARINE BILL.

The committee resumed its session.

Mr. HENRY of Connecticut. Mr. Chairman, I now ask that general debate may be closed and that the Senate amendments be taken up in order for consideration.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that general debate be now closed and the Senate amendments be taken up in their order for amendment or concurrence? Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the Senate amendments be read, subject to amendment, by paragraph instead of by section. Some of the sections are long, and it would be much better to amend the paragraphs as we go along.

The CHAIRMAN. Does the Chair understand the gentleman from New York to ask unanimous consent that the entire Senate amendments be first read?

Mr. WADSWORTH. Oh, no; I ask that we read the amendments by paragraph instead of by section.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the Senate amendments be read by paragraph if there be more than one paragraph in an amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read Senate amendment No. 1, as follows:

In line 4, page 1, after the word "imitation," insert "process, renovated, or adulterated."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in that amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 2, as follows:

On page 2, lines 10 to 14, strike out "*Provided*, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend to the House concurrence with that amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 3, as follows:

In line 24, page 2, after the word "family," strike out the words "and guests thereof" and insert the word "table."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in the Senate amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 4, as follows:

In line 25, page 2, and line 1, page 3, strike out the words "ingredient or" and insert the word "artificial."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in that amendment.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment.

Mr. WADSWORTH. I think this perhaps is a separate amendment. I want to insert on page 3, after the word "coloration," the words "except colored butter."

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut that the committee recommend that the House concur in the Senate amendment No. 4.

The question was considered, and the motion was agreed to.

Mr. WADSWORTH. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 1, page 3, after the word "coloration," the words "except colored butter."

Mr. HENRY of Connecticut. A point of order, Mr. Chairman. The Senate amendments should first be considered.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. HENRY of Connecticut. That we should first consider the Senate amendments.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Can any amendment be offered to the bill passed by the Senate where the same has passed the House except to concur in the Senate amendment with an amendment?

The CHAIRMAN. The Chair is of the opinion that such an amendment as is offered by the gentleman from New York is not in order, and therefore declines to entertain the amendment.

Mr. MANN. Now, Mr. Chairman, I move to reconsider the vote by which the last amendment was concurred in.

Mr. HENRY of Connecticut. Against that I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that it is not in order to reconsider a vote in the Committee of the Whole, and the Chair sustains the point. It can be done only by unanimous consent.

Mr. MANN. I ask unanimous consent, because the amendment was sent up by the gentleman from New York as an original amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent——

Mr. HENRY of Connecticut. I object.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. WADSWORTH. Now, Mr. Chairman, I offer the following as a substitute to the paragraph so that it will read:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration, except colored butter, that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

Mr. TAWNEY. I make the point of order that that is a substitute entirely changing the text of the bill which the House and Senate have agreed to.

The CHAIRMAN. The Chair does not understand what the paragraph is that the gentleman wishes to amend. In place of what paragraph is the substitute offered?

Mr. TAWNEY. He offers the paragraph in the original bill, beginning at line 22, page 2, and ending at the end of line 4, on page 3, and I make the point of order that it entirely changes the text of the bill, to which the House and Senate have agreed.

Mr. WADSWORTH. My proposition is to substitute for the paragraph beginning line 22, page 2, and ending with line 4, page 3——

The CHAIRMAN. Does the gentleman from New York [Mr. WADSWORTH] desire to be heard on the point of order made by the gentleman from Minnesota.

Mr. WADSWORTH. I simply submit that the substitute is absolutely in order and that my amendment is germane.

The CHAIRMAN. The Chair is of the opinion that if this matter were before the House for the first time the substitute amendment might be in order; but this bill has been passed by this House, and the portion of it to which the gentleman from New York offers a substitute has been passed also by the Senate. It is not in order for the House to amend that portion of the bill. The Chair therefore sustains the point of order.

Mr. WADSWORTH. Do I understand by that ruling that no amendments to the Senate amendments are in order?

The CHAIRMAN. The Chair is of the opinion that amendments to the Senate amendments are in order, but not to the text of the bill which has been agreed to by both Houses.

Mr. WADSWORTH. My proposition is an amendment to the Senate amendment.

The CHAIRMAN. But the proposition is to substitute new matter for a portion of the text of the House bill which has been agreed to by the Senate.

Mr. WADSWORTH. I put my proposition in that form because the Chair had decided that I could not offer it as a simple amendment.

The CHAIRMAN. The Chair will state that the first amendment offered by the gentleman from New York was to amend the text of the House bill which has been agreed to by the Senate, and was not an amendment to the Senate amendment. It was on that ground alone that the Chair ruled it out of order.

Mr. MANN. I rise to a parliamentary inquiry. Certainly I suppose it was in order to move to concur in the Senate amendment with an amendment. Now, the gentleman from Connecticut moved to concur in the Senate amendment, and the gentleman from New York offered an amendment to that motion, which certainly was in order, as a motion to concur in the Senate amendment with an amendment.

The CHAIRMAN. The Chair will suggest to the gentleman from Illinois that he is wrong in his premises. The amendment offered by the gentleman from New York was not an amendment to the Senate amendment nor a proposition to concur with an amendment, but was an amendment to the text of the bill which had been agreed to by both Houses.

Mr. MANN. If the Chair will permit me further, the gentleman from Connecticut moved to concur in the Senate amendment, which of course was in order. The gentleman from New York offered an amendment as an amendment to the motion of the gentleman from Connecticut. Thereupon the amendment of the gentleman from New York was ruled out of order.

The CHAIRMAN. If the Chair may be permitted to state the parliamentary situation, it is this: The gentleman from Connecticut made a motion to concur in Senate amendment No. 4, which simply strikes out the words "ingredient or" and inserts in place thereof the word "artificial." Then the gentleman from New York rose to offer an amendment which the Chair understood to be an amendment to the Senate amendment, and therefore ruled that it had precedence of the motion of the gentleman from Connecticut; but when the amendment of the gentleman from New York came to be read it was found to be a proposition to insert in the text of the bill, as agreed to by both Houses, after the word "coloration," line 1, page 3, being a part of the text of the bill not amended by the Senate—to insert at that point certain other matter, which the Chair thereupon ruled out of order.

Mr. MANN. If the Chair will permit me further, is it not in order to concur in the Senate amendment inserting the word "artificial" before the word "coloration," with an amendment, inserting another word after the word "coloration?" And if that can not be done in Committee of the Whole or in the House, how can it be done in conference?

The CHAIRMAN. The word "coloration" is not a part of the Senate amendment, but a part of the text of the bill. It would be in order to offer an amendment to the word "artificial"—adding another word, possibly, thereto.

Mr. WILLIAMS of Mississippi. The reasoning of the Chair is perfectly correct, but as stated it discloses that the Chair is ignorant of the fact which is at the basis of all the reasoning that can be had upon this subject. This bill went to the Senate with this language: "Coloration or ingredient that causes it to look like butter." Now, if the Chair will keep that in mind, then this is the second fact upon which the Chair has to act: The Senate struck out the words "or ingredient" and substituted the word "artificial."

Therefore the amendment offered by the gentleman from New York is not an amendment to the original text of the bill as agreed upon by both Houses, but is an amendment to the amendment which the Senate made for the purpose of further defining what artificial coloration means. The original language was "coloration or ingredient." The new language as effected by the Senate amendment is "artificial coloration."

Then the question arises as to what is or is not "artificial coloration;" and certainly any amendment that goes to define what is or is not artificial coloration is an amendment to the Senate amendment, which put in the word "artificial" before "coloration" and struck out the words "or ingredient."

Now, two divergent ideas arise immediately. Suppose that butter which has been colored artificially is used as an ingredient in oleomargarine, then shall the oleomargarine be pronounced to be artificially colored oleomargarine or not? In order to obviate all uncertainty about that the gentleman from New York offers an amendment to the Senate amendment to define what artificial coloration is, and in limiting what that shall be construed to mean, he uses the language "not from butter." That is what? Coloration not from butter? No artificial coloration not from butter.

In other words, if the artificiality of the coloration proceeds not from the manufactured oleomargarine but from the fact that butter was put into it which itself had been artificially colored, then undoubtedly the amendment is an amendment to the artificiality of the process and the word "artificiality" was inserted

by the Senate; therefore, it is an amendment to the Senate amendment and not an amendment to the original text of the bill.

The CHAIRMAN. The Chair has listened with interest to the remarks of the gentleman from Mississippi——

Mr. WILLIAMS of Mississippi. In other words, it limits the meaning of the word "artificial."

The CHAIRMAN. But the Chair is still of opinion that the amendment, coming as it does in the text of the bill after the word "coloration," although it is only one word beyond the Senate amendment, the effect is just the same as if it were ten words or ten lines, and the Chair therefore adheres to the ruling that the text of the bill, which has been agreed to by both Houses, is sacred and can not be amended in Committee of the Whole.

Mr. WILLIAMS of Mississippi. Will the Chair hear this suggestion just one moment? Suppose the gentleman from New York were to offer his amendment coming after the word "artificial;" then the Chair would rule it would be in order, but it would not make good sense.

The CHAIRMAN. It would be in order. Its good sense would be for the committee and not for the Chair to determine.

Mr. SCOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the inquiry.

Mr. SCOTT. I understand the Chair to hold that the text of the original bill, which has passed both Houses, is sacred and can not be touched in this committee.

The CHAIRMAN. That is the opinion and ruling of the Chair.

Mr. SCOTT. My inquiry is this: When the meaning and context have been materially changed by a Senate amendment, can it be properly claimed that the text has been passed by both Houses? This House has never passed upon it, and the inquiry I make is whether or not the amendment which the Senate put into this section did not so change the entire meaning of the paragraph as to make proper a ruling that the text had not been passed upon by this House?

The CHAIRMAN. It is not within the province of the Chair to construe the meaning of words which have been agreed to by both branches of Congress.

Mr. TAWNEY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. This Senate amendment has already been concurred in by the Committee of the Whole, has it not—that is, Senate amendment No. 4?

The CHAIRMAN. It has.

Mr. TAWNEY. Then I make the point of order that the amendment comes too late.

Mr. WADSWORTH. Mr. Chairman, while I dislike very much to disagree with the ruling of the Chair——

The CHAIRMAN. For what purpose does the gentleman rise.

Mr. WADSWORTH. With all due respect, I appeal from the decision of the Chair on the point of order ruling the amendment I offer to the paragraph out of order.

Mr. TAWNEY. Mr. Chairman, before the question is put I want to call the attention of the committee to the fact that this amendment has already been concurred in by the Committee of the Whole, and that therefore the ruling of the Chair, independent of any other question, is perfectly proper, because an amendment would not be in order after an amendment has been concurred in.

The CHAIRMAN. The Chair will state that no appeal was taken from the ruling of the Chair sustaining the point of order against the gentleman from New York. Subsequently various parliamentary inquiries were made, to which the Chair replied. Replies to parliamentary inquiries are not subject to appeal.

Mr. WADSWORTH. Very well. Does the Chair hold that we can insert immediately after the word "artificial" the words "except other butter?"

The CHAIRMAN. The Chair is of opinion that it would have been in order had not the committee already concurred in the Senate amendment.

Mr. WILLIAMS of Mississippi. The House has not concurred in the Senate amendment.

The CHAIRMAN. It can now be done by unanimous consent.

Mr. WADSWORTH. I do not suppose the gentleman from Minnesota [Mr. TAWNEY] would permit me to do it by unanimous consent.

Mr. TAWNEY. No; we would not. That would be carrying generosity too far. [Laughter.]

Mr. SCOTT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SCOTT. I rise to make a statement upon which to base a parliamentary request, upon which I intend to base a demand for a ruling from the Chair.

My contention, Mr. Chairman, is that the entire sentence which is now under consideration, beginning with line 22, page 2, has been so materially changed by the amendment of the Senate that it is no longer a part of the text, and no words in it are any longer a part of the text agreed upon by both Houses; and therefore, regardless of the fact that the Senate amendment has been concurred in by the committee, the amendment offered by the gentleman from New York [Mr. WADSWORTH] is germane and in order, and I would like a ruling of the Chair on that point.

The CHAIRMAN. That question has already been ruled upon. The point of order was sustained, and the committee has concurred in the Senate amendment. There is therefore nothing before the committee, unless the gentleman from New York asks unanimous consent to open that question again.

Mr. SCOTT. Would an appeal from the decision of the Chair on that point be in order?

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. TELLER, and Mr. MASON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12346) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. ELKINS, and Mr. BERRY as the conferees on the part of the Senate.

OLEOMARGARINE BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Section 3 of said act is hereby amended by adding thereto the following: "*Provided further*, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of 1 cent per pound is imposed by this act, as amended, shall pay $200; and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this act, as amended, a tax of one-fourth of 1 cent per pound shall pay $6."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the House concur in the Senate amendment.

Mr. ALLEN of Kentucky. Mr. Chairman, I move to concur with an amendment.

The CHAIRMAN. The gentleman from Kentucky moves to concur with an amendment, which takes precedence of the motion of the gentleman from Connecticut. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "two hundred" in line 9, page 3, and insert "fifty."

Mr. ALLEN of Kentucky. Now, Mr. Chairman, it seems to me that the license tax of $200 here put upon this product is burdensome; that it is out of proportion to the purposes of the bill as it applies to the license upon colored oleomargarine. The bill provides that there shall be a tax of 10 cents a pound on colored oleomargarine. The contention for that tax, or rather the argument for it, was to increase the price of the oleomargarine to something near the price of butter in order that it might not come in competition with it. The tax of one-quarter of 1 cent per pound was placed upon the uncolored oleomargarine simply for the purpose of using the governmental agency in regulation of the manufacture.

Now, it occurs to me that to follow that up with the additional tax of $200 upon the wholesale dealer is unnecessary and burdensome, and will result in the fact that the consumer will have to pay it. It is unnecessary to the proper policing this article, nor is it necessary to the proper protection of the manufacture of the article that this tax should be so heavy, and I believe it ought to be the same as that upon renovated butter. I understand there will be an amendment offered to place the tax at $50 upon the wholesale dealer in renovated butter. I ask, Mr. Chairman, that the amendment be adopted, and I hope that gentlemen in charge of the bill will not object to it.

Mr. HENRY of Connecticut. Mr. Chairman, just a few words, and then I shall be ready for a vote. This section of the bill was framed by the oleo manufacturers themselves. It is all they ask for. It was inserted in the Senate with the assurance of members of the Agricultural Committee in the House that there would be no objection offered to it. There is no special reason why the United States Government should concede $150 a year to these dealers, when nobody has asked for it except my benevolent friend from Kentucky.

Mr. ALLEN of Kentucky. Will the gentleman permit a question? You do not contend that this is necessary for revenue, do you? It is not the purpose of it to raise revenue?

Mr. HENRY of Connecticut. It is certainly a revenue bill.

Mr. ALLEN of Kentucky. But the purpose of this act is to police the manufacturer and dealer in this article. Is not that the prime purpose?

Mr. HENRY of Connecticut. There can be no considerable revenue made from uncolored oleomargarine, and the contention is that it is not burdensome. We have reduced the retail tax to a nominal figure of $6 a year, or 50 cents a month, and that was where the real burden would come.

Mr. ALLEN of Kentucky. How does the gentleman know this was prepared by the oleomargarine people?

Mr. HENRY of Connecticut. Because one of them told us so.

Mr. ALLEN of Kentucky. Who?

Mr. HENRY of Connecticut. A prominent manufacturer.

Mr. ALLEN of Kentucky. Told you so?

Mr. HENRY of Connecticut. Yes.

Mr. ALLEN of Kentucky. That does not appear from any record in the case, and I had no such information.

Mr. HENRY of Connecticut. I think my authority is good.

Mr. TAWNEY. Now, Mr. Chairman, I will ask my colleague, the gentleman from Connecticut, if it is not a fact that in this provision the tax on the wholesale dealer in oleomargarine is reduced from $400 to $200?

Mr. HENRY of Connecticut. Certainly; and all the reduction was made that the dealers themselves asked for.

Mr. WILLIAMS of Mississippi. Do you put the same tax on renovated butter that you do on oleomargarine?

Mr. ALLEN of Kentucky. Why do you charge the wholesale merchant for selling unobjectionable oleo?

Mr. HENRY of Connecticut. In order to preserve the police supervision. The dealers themselves do not wish to have this license tax entirely removed.

Mr. GAINES of Tennessee. I move to strike out the last word. Here is a merchant who is selling the real oleomargarine as "oleo," and not as "butter." No one objects to that. He is dealing in an honest article, and he is dealing honestly with his fellows and honestly with the Government, and yet you want to impose a tax of $200 upon him.

Mr. HENRY of Connecticut. They wish to have it themselves.

Mr. TOMPKINS of New York. And it was $400 when the bill left the House.

Mr. GAINES of Tennessee. Does the gentleman say the merchants are asking to be taxed $200 to carry on this business?

Mr. TAWNEY. Did the gentleman vote for the bill when it was before the House?

Mr. GAINES of Tennessee. Yes; I voted to recommit the bill in the hopes the House bill would be improved by amendment. The House did not recommit, and then I voted to pass it as it was, believing the Senate would improve it, which I hope has been done, and as this is about the best that can now be done, I shall vote for it as amended. I am for the farmer.

Mr. TAWNEY. Then, when you did that, you voted to put a tax of $400 instead of $200 on the merchant.

Mr. GAINES of Tennessee. That shows that your bill was wrong, and that the House was in error in not recommitting and changing this item, but I voted for it believing the Senate would amend and rectify; still I am ready to make the provision entirely right. I am glad that you now say you were wrong in your bill when it was here before. Now here is the proposition——

The CHAIRMAN. The gentleman from Connecticut has not yielded the floor.

Mr. GAINES of Tennessee. The gentleman had resumed his seat and I moved to strike out the last word and proceeded.

Mr. HENRY of Connecticut. I am willing to yield to the gentleman.

The CHAIRMAN. The gentleman must first obtain the recognition of the Chair.

Mr. HENRY of Connecticut. I call for a vote.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Connecticut.

Mr. GAINES of Tennessee. I rise to a parliamentary inquiry, Mr. Chairman. The gentleman from Connecticut had resumed his seat and I rose and asked him a question.

Mr. HENRY of Connecticut. I think I have been on my feet all the time.

Mr. GAINES of Tennessee. The gentleman is certainly mistaken.

The CHAIRMAN. Does the gentleman think he has the floor now?

Mr. GAINES of Tennessee. Certainly.

The CHAIRMAN. The gentleman desiring the floor will address the Chair.

Mr. GAINES of Tennessee. Well, Mr. Chairman.

The CHAIRMAN. Does the gentleman desire the floor?

Mr. GAINES of Tennessee. Has the gentleman the floor now?

The CHAIRMAN. He has not.

Mr. GAINES of Tennessee. Then I move to strike out the last word, and I want to be heard.

The CHAIRMAN. The gentleman from Tennessee.

Mr. GAINES of Tennessee. Now, I voted to take up this measure to-day. This is the only means now we can employ as new legislation to curb this oleo butter fraud. Something must be done to do this, and at once. I am for the farmer, first, last, and all the time. I am against dishonest butter, and I am against encouraging anything that breaks down the prices of the farmer, because the farmer is the cornerstone of society.

We need the farmer from the time we come into the world until we go out, and I would do nothing nor permit anything that wrongfully destroys his business. Though unsatisfactory, I am going to vote for the bill as amended; but I say this part of the bill is wrong in imposing a tax of $200 on the merchant who is selling the real oleo as oleo to his neighbors and customers. He is dealing honestly with the Government, and dealing fair with his customers. Why tax, why burden an honest merchant for doing the honest thing? I say, gentlemen, such an act is palpably wrong.

Mr. FEELY. Mr. Chairman, I move to strike out the last two words. I desire to favor the amendment proposed by the gentleman from Kentucky. I do not think the gentleman in charge of this bill, the gentleman from Connecticut, has stated fairly what the people desire and what the manufacturer of oleomargarine desires. I take it that we are not called here to do what the farmer desires or what particular oleomargarine manufacturers desire. It is a creditable thing in the committee and in the Senate that they have reduced the tax from $650 to $200. It will be more creditable to them, and it will be more creditable to this House, if it further reduces that tax on an honest occupation, in order to allow all men to enter upon it who desire to do so without payment of an exorbitant tax.

In reference to the necessity of policing, it must be admitted, and it is admitted by the opponents of this bill, that some tax is necessary to police and supervise the manufacture of this article; but it can not be held, and I shall wait to see it held here this afternoon, that a tax of $200 is necessary for the purpose of policing and supervising its manufacture. The great trouble is that there is to-day centralization in the manufacture of oleomargarine, and I do not doubt that some representatives have stated to the gentleman from Connecticut that this $200 tax was satisfactory; but for the consumer, for the people who desire to eat a cheap product, a wholesome product, even if the ban is placed upon it, and if they are not accorded the advantage of eating it colored, there ought to be some consideration. At least latitude ought to be allowed for general manufacture of an honest food product now monopolized. If the amendment of the gentleman from Kentucky is adopted here, a field for honest competition will be opened all over this country, and it will not be so easy to centralize the control of the manufacture of oleomargarine. It is but fair, and I hope it will be adopted.

Mr. MANN. Mr. Chairman, I wish to offer an amendment to the motion to concur with an amendment by adding a further amendment.

The CHAIRMAN. Do the gentleman from Illinois and the gentleman from Tennessee withdraw the pro forma amendment?

Mr. GAINES of Tennessee. Why, certainly.

The CHAIRMAN. Then an amendment to the amendment offered by the gentleman from Kentucky is offered by the gentleman from Illinois. The Clerk will report the amendment.

The Clerk read as follows:

Concur with the further amendment by inserting at the end of line 13 the following: "*And provided further*, That the artificial coloration provided for in the preceding paragraph shall not include colored butter."

Mr. TAWNEY. I make the point of order that it is not an amendment to the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The Chair is of the opinion that the amendment is a separate amendment and not an amendment to the amendment offered by the gentleman from Kentucky. It will be in order after the amendment of the gentleman from Kentucky has been disposed of.

Mr. MANN. It would not be in order, Mr. Chairman, after the amendment of the gentleman from Kentucky has been adopted, because his motion is to concur in the Senate amendment with an amendment, and if that motion is adopted the amendment is concurred in, and it is beyond the control of the committee. I take it that it is within the power of the committee to concur in a Senate amendment with one amendment, and that amendment be subject, under the rules, to an additional amendment, and so to concur with two amendments.

The CHAIRMAN. The Chair will state that the gentleman

from Illinois is mistaken in his premises. The motion of the gentleman from Kentucky is to amend the Senate amendment.

Mr. MANN. If that is its standing before the committee, very well. The motion of the gentleman was to concur with an amendment, as stated.

The CHAIRMAN. The Chair understands differently. The question is on the adoption of the amendment offered by the gentleman from Kentucky.

Mr. RICHARDSON of Tennessee. Mr. Chairman, without expressing any opinion as to the merits of the amendment proposed by the gentleman from Illinois, I submit that it would not be in order anyway, because it is an amendment in the third degree. The Senate amendment is pending, and the gentleman from Kentucky moves an amendment to that amendment. Now, the proposition of the gentleman from Illinois is to amend an amendment to an amendment, which can not be done, and therefore the Chair must be right in his statement. There is no difficulty about it. If the Chair holds the proposition of the gentleman is first to amend the Senate amendment, if that is voted down or up, it would be in order for the gentleman from Illinois to offer his amendment to the Senate amendment, as the Chair has stated.

Mr. MANN. Do I understand the ruling of the Chair to be that the committee can amend the Senate amendment without a motion to concur?

The CHAIRMAN. That is the opinion of the Chair. The question is on the adoption of the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. ALLEN of Kentucky) there were—ayes 53, noes 85.

So the amendment was rejected.

Mr. HENRY of Connecticut. Now, Mr. Chairman, I renew my motion to concur.

Mr. MANN. I believe, Mr. Chairman, my amendment has precedence.

The CHAIRMAN. The gentleman from Illinois offers an amendment which has precedence over the motion to concur. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "dollars," in line 13, the following:
"*And provided further*, That the artificial coloration provided for in the preceding paragraph shall not include colored butter."

Mr. TAWNEY. A point of order, Mr. Chairman. The amendment is not germane to the paragraph to which it is offered as an amendment.

Mr. MANN. It is all one section, as the gentleman will discover if he will read it.

The CHAIRMAN. The Chair will hear the gentlemen from Illinois upon the point of order.

Mr. MANN. Mr. Chairman, the section we are reading is all one section. If it is not the same subject-matter, it is not the fault of this House or this committee, which includes two different subject-matters in one section. It certainly is within the province of the House to amend a section upon a particular subject by inserting a provision in reference to one subject-matter in that section anywhere it pleases in the section. That ought to be a matter within the discretion of the committee.

Mr. TAWNEY. Will the gentleman allow me?

Mr. MANN. Certainly.

Mr. TAWNEY. Do you think if we have passed a provision even in the same section relating to a certain subject and the committee declines to entertain an amendment, you can pass on to another subject in the same section and offer the same amendment to it?

Mr. MANN. We have not passed upon any other subject; we have only passed upon a Senate amendment, and merely because the Senate amendment occurs at a particular place has nothing to do with this question. We did not pass upon the bill. The Chair expressly held that we could not amend the original bill. We passed upon the Senate amendment. Now, I take it, it is within the province of the House to agree to an amendment cutting down the amount of the license tax, with a provision governing the action of the people who operate under that tax. There might very well be added to this amendment of the Senate a provision that the $200 license tax should only apply to people who made a particular kind of butter.

Now, that is the subject-matter. The very question before the House in this amendment is the tax upon oleomargarine, which is taxed only one-fourth of a cent per pound; and the question as to what that tax shall be is within the province of the House to determine. We may say that this tax of one-fourth a cent a pound shall apply only to one kind of oleomargarine or to another, but when we limit the tax, we certainly have the right to decide what that tax shall apply to.

Mr. TAWNEY. Just one word. The paragraph which the gentleman from Illinois proposes to amend is an amendment to section 3 of the existing oleomargarine law, relating entirely to the license taxes paid by wholesale and retail dealers in oleomargarine. Now, the proposition which he offers as an amendment to this paragraph relates entirely to another subject-matter. It relates to the use of coloring matter in the manufacture of the article which these men are likely to sell. I do not think it can be held for a moment that it is germane to the proposed amendment of the Senate.

The CHAIRMAN. Senate amendment No. 5 reads thus:

Section 3 of said act is hereby amended by adding thereto the following:

And then follows a certain proviso. The amendment offered by the gentleman from Illinois is to add at the end of that proviso these words:

And provided further, That the artificial coloration provided for in the preceding paragraph shall not include colored butter.

The "preceding paragraph" referred to, as the Chair understands, is section 3 of a former act of Congress, which is not now before the Committee of the Whole.

On page 323 of the Manual the Chair finds this language:

To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane.

That ruling was made by Speaker Reed. The Chair thinks that it covers this case. The amendment of the gentleman from Illinois, while it may be germane to the preceding paragraph of section 3 of the earlier act of Congress to which it refers, is not germane to the proviso which constitutes the Senate amendment, and therefore the Chair sustains the point of order.

Mr. HENRY of Connecticut. I now renew my motion to concur in the Senate amendment.

The motion was agreed to.

Senate amendment No. 6 was read, as follows:

After the word "consumption," in line 21, page 3, strike out "and" and insert "or."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend concurrence in this amendment.

The motion was agreed to.

Senate amendment No. 7 was read, as follows:

Before the word "coloration," in line 25, page 3, insert "artificial."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend that the House concur in this amendment.

The motion was agreed to.

Senate amendment No. 8 was read, as follows:

In line 1, page 4, strike out before the word "that," the words "or ingredient."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend to the House concurrence in this amendment.

Mr. WADSWORTH. I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] makes a motion to amend which takes precedence of the motion of the gentleman from Connecticut. The amendment of the gentleman from New York will be read.

The Clerk read as follows:

Amend Senate amendment No. 8 by inserting, after the word "ingredient," line 1, page 4, the words "but colored butter shall not be construed as artificial coloration."

Mr. TAWNEY. I make the point of order that this amendment is not in order, as it proposes to change the text of the bill as agreed to between the two Houses.

The CHAIRMAN. If the Chair correctly understands the motion of the gentleman from New York, it is to insert at the place where the Senate strikes out the words "or ingredient" the words which the Clerk has read. The Chair thinks the amendment is in order and overrules the point of order.

Mr. WADSWORTH. Mr. Chairman, the point of my amendment is simply this: Under the law of 1886, the original oleomargarine law, manufacturers of oleomargarine were required to file with the Secretary of the Treasury a statement of the ingredients of the commodity which they manufacture; and among those ingredients is butter. Now, when they go on the market to buy their butter they can not tell whether it is colored or not (although I know that all butter is colored). Why should they not have the privilege of buying butter (which is an honest ingredient used in the manufacture of oleomargarine) on the market just as anybody else can buy it? That is all there is of it.

Mr. TAWNEY. Will the gentleman from New York explain the effect of this amendment in using colored butter in the manufacture of oleomargarine?

Mr. WADSWORTH. Under the law there they must not add any colored butter, if it even gave a straw shade to oleomargarine.

Mr. TAWNEY. I mean the effect upon the business of the manufacturer.

Mr. WADSWORTH. It would simply compel the oleomargarine manufacturers, probably, to have their butter made absolutely without coloring matter. I offer it because there has been a case in one of the State courts where the question has been decided that coloring coming through colored butter was contrary to the State law.

Mr. TAWNEY. And the manufacturer of oleomargarine, then, by the use of butter, no matter how much of a shade of yellow it might give that yellow oleomargarine, would be exempt from the 10-cent tax under this provision.

Mr. WADSWORTH. That is it exactly.

Mr. TAWNEY. Then the purpose of it is to destroy the entire effect of this bill?

Mr. WADSWORTH. The purpose of it, frankly and openly stated, is to allow the oleomargarine people to color their oleomargarine in an honest and legal way, as provided in this bill, because butter is an ingredient of oleomargarine and has been since 1886, when the law compelled manufacturers to file with the Secretary of the Treasury the list of ingredients.

Mr. HENRY of Connecticut. Just a word, Mr. Chairman. If this amendment is adopted we might as well strike out the enacting clause of the bill and let our work go for nothing. It means that oleomargarine may be colored as it is colored now. Butter will be colored expressly for use in oleomargarine, to be expressly used as an ingredient, and it will color the oleomargarine for all practical purposes—avoid the tax and kill the bill.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York.

The question was taken; and on a division, demanded by Mr. WILLIAMS of Mississippi, there were—ayes 51, noes 88.

So the amendment was rejected.

Mr. HENRY of Connecticut. Mr. Chairman, I move to concur in the Senate amendment.

The CHAIRMAN. The gentleman from Connecticut moves that the committee recommend the House to concur in the Senate amendment No. 8.

The motion was agreed to.

The Clerk read as follows:

SEC. 4. That for the purpose of this act "butter" shall be understood to mean an article of food as defined in "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; that "adulterated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, and any butter with which there is mixed any substance foreign to butter as herein recognized or understood, with intent or effect of cheapening in cost the product in any way, either through cheaper or inferior ingredients, or with intent or effect of causing the absorbtion of abnormal quantities of water, milk, or cream: *Provided*, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886.

The committee amendments were read, as follows:

In lines 5 and 6 strike out the words "shall be understood" and insert the words "is hereby defined."

In lines 10 and 11 strike out the words "shall be understood" and insert the words "is hereby defined."

In line 15 after the word "butter" insert the words "or butter fat."

In lines 18 and 19 strike out the word "and" and insert the word "or," and after the word "butter" insert the words "butter fat."

In line 20 strike out the words "recognized or understood" and insert the word "defined."

After the word "product," in line 21, strike out the word "in" and insert the word "or."

After the word "any," in line 22, strike out the words "way, either through cheaper or inferior ingredients, or," and insert the words "butter, in the manufacture or manipulation of which any process or material is used."

On page 6 strike out the proviso.

Mr. PARKER. Mr. Chairman, I offer the following amendment which I send to the desk.

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee concur in the amendments with the committee amendment, which I send to the desk.

Mr. PARKER. Mr. Chairman, I suppose the motion would first be on the adoption of the committee amendments to which I have no objection, but immediately after that I wish to offer an amendment.

The CHAIRMAN. The question will be first upon the adoption of the committee amendments, unless some one offers an amendment to one or all of them.

Mr. TAWNEY. Mr. Chairman, the gentleman from Connecticut has sent up a committee amendment in addition to the committee amendments which are incorporated in the bill, and, as I understand, he wishes to have them considered and adopted at the same time.

The CHAIRMAN. The Chair will state that the motion of the gentleman from Connecticut [Mr. HENRY] proposes to insert certain words on page 6 in lieu of those which have been stricken out, and then strike out the succeeding paragraph, which has not yet been read, and it is not in order at this time to strike out that paragraph.

Mr. HENRY of Connecticut. Mr. Chairman, I thought that paragraph had been read. I withdraw the amendment for the present. I move concurrence in the committee amendments.

The CHAIRMAN. The question is first on the adoption of the amendments offered by the Committee on Agriculture. If there is no objection, they will be considered together. [After a pause.] Hearing none, it is so ordered. The question now is on the adoption of the committee amendments.

The amendments were agreed to.

The CHAIRMAN. The question now is upon the adoption of the committee amendments offered by the gentleman from Connecticut, which the Clerk will report.

The Clerk read as follows:

On page 6, after the word "cream," in line 1, insert a semicolon in place of the colon, and these words, "that process butter or renovated butter is hereby defined to mean butter which has been subjected to no process by which it is melted, clarified, or refined, and made to resemble genuine butter, always excepting adulterated butter as defined by this act."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. PARKER. That will not prevent my going back to the definition of adulteration.

Mr. CANNON. I should like to know what it means. Does it mean that the butter that is made by the farmer and sold and is not consumed in a few days can not be sold to the manufacturer, who washes it and makes it sweet, without his paying a tax of 10 cents a pound for the privilege of washing it?

Mr. TAWNEY. The definition of a manufacturer of process butter meets your objection. The people you have been speaking of will not be included in that definition, and therefore will not be subject to this.

Mr. HENRY of Connecticut. The very object of the amendment is to exclude those people.

Mr. CANNON. Let us read it again. I do not understand it. I thought you were going to strike out——

Mr. HENRY of Connecticut. It does strike out and insert the definition prepared by the Department of Agriculture to cover the very point the gentleman makes—to exempt the farmer and the country grocer who wishes to pack his butter. It was not believed that the bill as passed by the Senate would affect those people, but the Secretary of Agriculture was of the opinion that the definition should be more definite.

Mr. BUTLER of Pennsylvania. Mr. Chairman, can we have the amendment read again? I should like to hear it. It may not be necessary to hear it, but it might be a good thing.

Mr. CANNON. Let me ask again. Suppose 50 farmers in my township sell their 10 pounds of butter each at the place where they trade. The local demand does not consume it until it becomes strong, which it will in two or three days. Then that butter is of no account except as it may be shipped and washed and aerated and colored, and then it is good butter, without the use of acids. Can that be done under this bill without penalty?

Mr. HENRY of Connecticut. The butter that the gentleman refers to, rancid butter, comes under the provisions of process or renovated butter. To be frank with the gentleman, it would not be exempt; but butter that the country grocer takes in over his counter and packs down in an unmelted condition, without the use of any process or acid, is exempt under this amendment.

Mr. CANNON. Well, then, what tax will such butter be subject to, the kind I speak of?

Mr. HAUGEN. None whatever. The ladlers are exempt.

Mr. HENRY of Connecticut. If that butter is treated as adulterated butter, it would be subject to the tax of 10 cents a pound. If it is sold to the process man to be renovated, it is subject to a tax of one-quarter of 1 cent per pound.

Mr. CANNON. Then the process man can take this butter, whether it be 10 pounds or 10 tons, and he can treat it, as long as he does not treat it with acids.

Mr. WILLIAMS of Mississippi. Or remelt it.

Mr. CANNON. He can wash it and mix it and remelt it, if he chooses, provided it is butter all the time, and color it; and when he has cleansed it, and by cleaning it has become sweet, then how much tax does he pay on that butter?

Mr. HENRY of Connecticut. One-fourth of a cent a pound.

Mr. CANNON. One-quarter of a cent a pound?

Mr. HAUGEN. That is, provided he melts it.

Mr. GRAFF. He can not clarify it nor regranulate it unless he does melt it, because that is the only process by which there can be a refining.

Mr. HAUGEN. The Senate bill proposed to tax ladlers as well as those who remelt the butter, but the bill has been amended so as to exempt the ladlers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, we should like to hear this debate; or is it a private conversation?

Mr. CANNON. I do not want it to be private, because I want to know about it. I have been busy with my work that has been committed to me, as other gentlemen have been busy with theirs, and I want to know about it, because my constituency and the people at large are interested in it, both the consumer of butter on the one hand and the maker on the other, outside of the creamery. Now, I want to know if thers is anything in this bill that will subject the butter of my constituents, made in the farmer's home, which butter has become strong, when it is made sweet by washing, by melting, by mixing different kinds of butter together, and by coloring it with annotto—I want to know if there is anything in this bill that will subject that to a tax?

Mr. HENRY of Connecticut. One-fourth of a cent per pound.

Mr. TAWNEY. Not if the farmer does it himself.

Mr. MANN. Ten cents a pound, as plainly as the English language can state anything.

Mr. HENRY of Connecticut. Not unless adulteration is used.

Mr. CANNON. What does my friend mean by adulteration?

Mr. HENRY of Connecticut. By putting in a portion of glucose or any other foreign material.

Mr. TAWNEY (reading):

Every person who engages in the production of process or renovated butter or adulterated butter as a business——

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. CANNON. I would be glad to move to strike out the last word. I just want to know about it.

The CHAIRMAN. Does the gentleman yield to the gentleman from Minnesota?

Mr. CANNON. Certainly.

Mr. TAWNEY (reading):

Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered a manufacturer thereof.

And subject to this taxation.

Mr. CANNON. Subject to a taxation—license tax?

Mr. TAWNEY. License tax; and the product is subject to a quarter of a cent a pound.

Mr. CANNON. Not 10 cents a pound?

Mr. TAWNEY. Not unless he is engaged in the business of adulterating butter, and is a manufacturer of it, by the use of acid or other chemicals described in this act.

Mr. CANNON. Well, I merely want to say in my five minutes that the farmers of this country by and by, when forced to give attention to matters which affect their interests, and I think that nine out of ten of them never saw the inside of a creamery, perhaps never will, somehow or other they have a notion that this legislation touching oleomargarine will protect them in the real butter industry. Maybe it will. I do not know whether it will or not.

But I want to say to gentlemen in charge of this bill if it should turn out now by virtue of a provision of the legislation that you enact here that the product of the farmer, the farmer's wife now making butter—and there is 9 pounds of it made where there is 1 pound of dairy butter made—if by virtue of the operation of this act is discriminated against and depreciated in value, then you will find that somebody a little later on will tramp on you. That is all. [Loud applause.]

Mr. WADSWORTH. What is the pending motion?

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Connecticut. If there be no objection, the amendment will again be reported.

The amendment was again reported.

Mr. WADSWORTH. Now, Mr. Chairman, that is the definition of process or renovated butter, is it not?

Mr. TAWNEY. It is.

Mr. WADSWORTH. Now I want to read to the House what Mr. Levi Wells, dairy and food commissioner of the State of Pennsylvania, says upon the subject:

It may be of interest to many to know what renovated butter is. It is also known under several alias, such as "boiled" process and "aerated" butter, and is produced from the lowest grade of butter that can be found in country stores or elsewhere It is of such poor quality that in its normal condition it is unfit for human food. It is generally rancid and often filthy in appearance, and of various hues in color, from nearly a snow white along the various shades of yellow up to the reddish cast, or brick color. It is usually packed in shoe boxes or anything else that may be convenient, without much regard to cleanliness or a favorable appearance in any way. The merchant is glad to get rid of it, with its unwholesome smell, from his premises at almost any price, usually expecting that it will find its way to some soap factory, where it naturally belongs; but in this he is mistaken.

I do not know how a greater fraud could be perpetrated upon the unsuspecting consumer or upon legitimate dairy interests than is done by these manufacturers of spurious butter. In the first place, 20 to 25 per cent of the compound is skim milk, for which the consumer pays the price of butter. Besides this, the filthy condition of the foundation stock before any manipulation occurs, were it known, would deter most people from eating it. It certainly should only be allowed to be sold for what it is, namely, "renovated butter." It is a fraud because it has no keeping qualities. Being so heavily charged with skim milk, unless kept at a very low temperature, it soon becomes putrid. The manufacturer and jobber may get it off their hands before it deteriorates, but before it gets to the consumer, usually, "its last estate is worse than its first."

Mr. BUTLER of Pennsylvania. When did he say that?

Mr. WADSWORTH. In 1898.

Mr. TAWNEY. Is not that an argument for the passage of this bill?

Mr. WADSWORTH. I would like to ask the gentleman from Connecticut if there is anything in that definition of renovated butter that prevents it from being colored in imitation of June butter?

Mr. HENRY of Connecticut. I have already put that into the RECORD.

Mr. WADSWORTH. I merely want to call the attention of the committee to it. Is there anything contained in this definition which prevents the manufacturer of this renovated butter from coloring it in imitation of June butter? I would like an answer to that question.

Mr. HENRY of Connecticut. I think that covers the definition—adulterated butter.

Mr. WADSWORTH. I want an answer to this question. Is there anything in that definition which prevents the manufacturer of this stuff from coloring it in imitation of June butter?

Mr. HENRY of Connecticut. It is adulterated butter.

Mr. WADSWORTH. I am speaking of this renovated butter described by Mr. Levi Wells.

Mr. HENRY of Connecticut. I have the same thing, and it will be found in the RECORD to-morrow. It is adulterated butter—process butter.

Mr. WADSWORTH. It is renovated butter.

Mr. HENRY of Connecticut. There is just a difference in the use of the terms.

Mr. WADSWORTH. I would like a straight answer to the question.

Mr. HENRY of Connecticut. I regard it as a straight answer. It is adulterated butter.

Mr. WADSWORTH. Can they color this butter?

Mr. HENRY of Connecticut. It is adulterated with milk. [Laughter. Cries of "Vote!"]

Mr. WADSWORTH. Mr. Chairman, is there any other gentleman on the floor of this House who can answer this question? I would like an answer for the information of the House and the country.

Mr. SIBLEY. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. COWHERD] is recognized.

Mr. COWHERD. I do not wish to interrupt the gentleman while he has the floor.

Mr. WADSWORTH. I would like to hear any gentleman on the floor answer that question, as the gentleman from Connecticut has not answered it.

Mr. SIBLEY. I would like to say to the gentleman that the farmers of Pennsylvania rose up practically en masse in a demand for the resignation of that man, and he had to tender it.

Mr. TAWNEY. Because of his connection with the oleomargarine manufacturers?

Mr. SIBLEY. That was four years ago.

Mr. COWHERD. Mr. Chairman, I desire to call the attention of the gentleman from Connecticut and the committee to what appears to be in the amendment. As I understand the amendment it is not materially different from the Senate amendment, excepting this: It strikes out words in the Senate amendment which prohibited the using of alkali or chemicals in the butter, and strikes out the use of the words "foreign substance added to butter, adulterating, cheapening, or increasing the weight." In the gentleman's amendment all that is stricken out.

Mr. HENRY of Connecticut. If the gentleman will allow me an interruption, the definition of adulterated butter is on pages 5 and 6, and is a definition prepared by the Department of Agriculture for renovated butter, that the Department under the terms of this bill will control and supervise.

Mr. COWHERD. If your amendment is adopted, then in the making of process or renovated butter they can use, under the terms of it, alkalies and chemicals——

Mr. HENRY of Connecticut. They can not, for then it becomes adulterated butter.

Mr. COWHERD. Under the provisions of this bill?

Mr. TAWNEY. It becomes adulterated butter.

Mr. COWHERD. Under the provisions of this bill, if your amendment is adopted, when alkalis and chemicals are used, it will become adulterated butter?

Mr. HENRY of Connecticut. Undoubtedly.

Mr. COWHERD. Then, I have no objection to the amendment.

Mr. MANN. Mr. Chairman, may I ask the gentleman a question?

Mr. HENRY of Connecticut. Mr. Chairman, I ask for a vote, and will answer the gentleman's question after it is taken.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. HENRY of Connecticut. Let us pass upon this amendment.

The CHAIRMAN. The Chair sees two gentlemen on the floor and hears nothing from either [laughter], doubtless owing to their distance from the Chair and the conversation which was going on around them.

Mr. MANN. Neither gentleman has been able to learn who has the floor. [Laughter.]

The CHAIRMAN. Does the gentleman from Illinois rise for any purpose; and if so, what?

Mr. MANN. I rose and addressed the Chair.

The CHAIRMAN. The Chair asked the gentleman from Illinois for what purpose he rose and heard no response.

Mr. MANN. The gentleman from Illinois could not ascertain whether the gentleman from Connecticut has the floor.

The CHAIRMAN. The Chair will again ask for what purpose the gentleman from Illinois rises?

Mr. MANN. I rise to take the floor.

The CHAIRMAN. Upon this amendment?

Mr. MANN. Upon this amendment, or to offer an amendment to the amendment.

Mr. HENRY of Connecticut. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Illinois is entitled to speak to the amendment if he so desires. The gentleman from Illinois is recognized.

Mr. MANN. May I ask the gentleman from Connecticut for a construction of this definition of process butter?

Mr. HENRY of Connecticut. I have not the floor at this time. [Laughter.]

Mr. MANN. If the gentleman declines to give information, I know of no process by which he can be forced to. I want to call his attention to the fact that there is absolutely no way, as suggested by my colleague from Illinois, of doing anything whatever with rancid butter, except to make it into axle grease, under the provisions of this bill.

Mr. TAWNEY. That is all it is fit for.

Mr. MANN. The gentleman from Minnesota, who represents the creamery interests, says that is all it is good for. We want to know if that is the intention of the bill. The bill says if they use any substance whatever, not if they mix it with the butter, but if they use any substance whatever for taking out the rancidity, it shall be called adulterated butter. If they boil it or use heat, it becomes adulterated butter; if they sprinkle it with water, it becomes adulterated butter.

Mr. GRAFF. Oh, no.

Mr. MANN. The gentleman from Illinois says, "Oh, no;" but he has not read the section with care. If they said that it shall not be mixed with the butter, that would mean one thing, but when they say use any substance for taking out the rancidity it does not apply to any substance put into the butter, but it applies to anything and forbids the use of salt, it forbids the use of water, or anything except milk.

Mr. TAWNEY. That provision of the bill is stricken out and this is offered as a substitute.

Mr. MANN. I have not heard any amendment striking it out; it is the same section as that in regard to adulterated butter. They did not strike out the definition of adulterated butter, and precisely the same definition is there. If they did, they ought to change it in reference to adulterated butter, or else we have the definition of adulterated butter with a tax of 10 cents a pound and the definition of renovated butter, covering the same thing, with a quarter-of-a-cent tax. The gentleman will find out when this bill becomes a law that the men who are struck down by this bill will undertake to enforce the provisions of the letter of this law against these people. If the gentleman imagines they can strike down an industry on one hand and then beg the question under the working of the law on his part, he will find himself mistaken.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I have sent to the desk an amendment.

The amendment was read, as follows:

On page 5 of the bill strike out, in lines 12 to 15, the following: "Produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, or butter fat."

Mr. PARKER. The committee may well be careful about definitions, for they are the pith of the bill—the definition of butter, the definition of adulterated butter, and the definition of renovated butter. Under the law of 1886 butter was defined carefully as a product made with milk or cream by churning, with the addition of salt and proper coloring matter. By the act of August 2, 1886, Supplement to Revised Statutes, page 505—

The word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt and with or without additional coloring matter.

Any such product is by that act not to be an adulteration. This bill is intended to guard against adulterations. We know that formaldehyde was said to be used to embalm beef. We hear from time to time as to milk that borax is put in, and the physicians of our various great cities testify that children are dying because what is put into milk for its preservation tends to make it unhealthy and indigestible. We know, too—I think we all know—that when butter gets sour or rancid, soda is used to wash it and to take out that sourness and rancidity, and that when the butter is reworked and the soda all washed out, sweet butter is left for the market. I think the gentleman from Illinois will confirm me in this statement—that a little soda takes away the sourness and leaves the butter good.

Now, if it be intended to declare, when butter is so worked over and soda is used in washing it, that the butter shall be called adulterated, I think it should also be regarded as adulterated if such articles as acids or alkalies, or whatever they may be, are added to the butter in the first place.

The gentleman from New York has called attention to an old definition of renovated butter. I stand by this bill, but let me say at the same time that there are firms who ship from this country enormous quantities of the very best sort of butter for tropical use, which they manufacture by reworking ordinary butter, adding to it large quantities of salt and getting rid of any sourness whatever by the soda process, to which I have referred. That would be under this bill called adulterated butter.

Mr. TAWNEY. Not necessarily.

Mr. PARKER. It would, by reason of the addition of the soda.

Mr. TAWNEY. Not necessarily.

Mr. PARKER. Necessarily it must be regarded as adulterated under this bill, although the same construction would not be adopted with reference to creamery butter, though subjected to the same adulteration.

Let us in our definition consider carefully what is to be defined as butter. If butter is to be regarded as adulterated because it contains certain ingredients, then it is adulterated whether those ingredients are put into it in reworking or in the original manufacture. Let us strike out everything in this bill that has to do with the reworking, and provide in effect (for that is what I presume is meant) that adulterated butter is hereby defined to mean a grade of butter in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity.

What difference does it make whether the butter is reworked? The butter should be regarded by the law as adulterated, not only if it has been reworked and certain substances added, but also it is just as much adulterated if those substances or ingredients are used in the beginning. I am one of many who believe that the addition of borax or salicylic acid or anything that prevents decay likewise prevents digestion and spoils the article. If this bill is passed we want the people to have real creamery butter—butter as defined in 1886.

Mr. TOMPKINS of New York. Does not the gentleman think that the word "mixing," in line 12, makes the definition apply to the original manufacture of the article as well as to the reworking?

Mr. PARKER. No; that referred to mixing different lots of butter.

Mr. TOMPKINS of New York. It does not say so.

Mr. PARKER. Oh, yes; it says:

Butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels.

It refers to the mixture of different lots. If the process is applied to a single lot the product is exempt.

May I add that immediately after this amendment is disposed of I shall move to strike out, in lines 20 and 21, the words:

With intent or effect of cheapening in cost the product.

The question of adulteration does not depend upon whether it is done with any particular intent. If there is mixed with the article any substance foreign to butter, as herein defined—if any foreign substances are put in—the article is not butter as defined in this bill.

If the substances are added, it is not such butter as defined, but whether it is with the intent to cheapen in the process of reworking, or whether the product is taken from different lots or in single lots is beside the purpose of this bill. Let us have a bill that means something instead of one that means nothing, and with that purpose I offer likewise this other amendment. I think they

are so much to the same purpose and effect that I shall ask unanimous consent to have them considered together.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the amendment he has offered and the one which he desires to offer may be considered together. If there is no objection, it will be so ordered.

Mr. WILLIAMS of Mississippi. I object.

The CHAIRMAN. Objection is made.

Mr. HENRY of Connecticut. Mr. Chairman, I admire the sincerity and good intentions of the gentleman from New Jersey [Mr. PARKER], but we can not reform the whole moral law in one little bill. I suggest that any amendment of this character will simply complicate the bill. The bill has been carefully considered, and I trust the amendment will be voted down. I call for a vote.

The CHAIRMAN. Has the gentleman from Connecticut concluded his remarks?

Mr. HENRY of Connecticut. I have.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

Mr. PARKER. Then I offer the following amendment.

The Clerk read as follows:

Amend lines 21 and 22, page 5, by striking out the words "with intent or effect of cheapening in cost the product."

Several MEMBERS. Vote! Vote!

Mr. PARKER. Mr. Chairman, I take the floor for a moment. I want to ask the gentleman from Connecticut what is the good of the words "with the intent or effect of cheapening in cost the product?" What do they add to the bill? What help do they give? The clause provides for adulteration by mixing foreign materials.

Mr. HENRY of Connecticut. I would say that the committee has considered this bill carefully, and they believe it to be as near correct as it can be, and they object to further amendments.

Mr. PARKER. Has the gentleman any reason to give me why those words should be there?

Several MEMBERS. Vote! Vote!

Mr. PARKER. Well, I would really like an answer. [Laughter.] Does the gentleman decline to give an answer?

Mr. HENRY of Connecticut. I do not think it requires an answer. The committee objects to any further amendments.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. PARKER) there were—ayes 27, noes 81.

So the amendment was rejected.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I notice it is 5 o'clock, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker pro tempore (Mr. DALZELL) having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate amendments to the bill H. R. 9206, and had come to no resolution thereon.

ALASKAN BOUNDARY.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report by the Secretary of State, in response to the resolution of the House of Representatives of April 10, 1902, requesting him "to inform the House of Representatives whether the State Department has received from official or other sources information as to the reliability of reports which have recently appeared in the public prints to the effect that in American territory, near the border of Alaska, British and Canadian officials (exercising authority by an agreement entered into by the Government of the United States and the British Government) are making surveys and encroachments upon territory not included in said agreement, and are removing and destroying ancient landmarks and monuments long ago erected by the Russian Government to mark the Alaskan boundary."

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, April 23, 1902.

The message, with accompanying documents, was referred to the Committee on Foreign Affairs.

BEET-SUGAR INDUSTRY IN THE UNITED STATES.

The SPEAKER pro tempore also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, covering a report on the progress of the beet-sugar industry in the United States during the year 1901.

Your attention is invited to the recommendation of the Secretary of Agriculture that 10,000 copies of the report be printed for the use of the Department, in addition to such number as may be desired for the use of the Senate and House of Representatives.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

The message was ordered to be printed, and, with the accompanying documents, was referred to the Committee on Printing.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 4506) granting an increase of pension to Ann E. Collier, and the same was referred to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DEEMER for the remainder of the week, on account of important business.

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. RUSSELL, from the Committee on Ways and Means, reported the bill (H. R. 179) to amend the internal-revenue laws; which, with the accompanying report, was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the the United States, for his approval, bills of the following titles:

H. R. 1455. An act granting an increase of pension to Aaron S. Gatliff;

H. R. 11314. An act granting an increase of pension to Mary E. Pettit;

H. R. 611. An act granting an increase of pension to Theodore F. Collins;

H. R. 1326. An act granting an increase of pension to Thomas Thatcher;

H. R. 1486. An act granting an increase of pension to Charles A. Perkins;

H. R. 1636. An act granting an increase of pension to James Austin;

H. R. 2113. An act granting an increase of pension to Mary J. Clark;

H. R. 2241. An act granting an increase of pension to Dorothy S. White;

H. R. 2600. An act granting an increase of pension to Richmond L. Booker;

H. R. 2981. An act granting an increase of pension to Thomas Findley;

H. R. 2994. An act granting an increase of pension to Eliza J. Noble;

H. R. 3264. An act granting an increase of pension to William B. Matney;

H. R. 5258. An act granting an increase of pension to William Eastin;

H. R. 5695. An act granting an increase of pension to John M. Seydel;

H. R. 5910. An act granting an increase of pension to Reuben Wellman;

H. R. 6080. An act granting an increase of pension to Mariah J. Anderson;

H. R. 6081. An act granting an increase of pension to Frances T. Anderson;

H. R. 6805. An act granting an increase of pension to Robert E. Stephens;

H. R. 6895. An act granting an increase of pension to Richard P. Nichauls;

H. R. 7369. An act granting an increase of pension to Perry H. Alexander;

H. R. 8782. An act granting an increase of pension to Myron C. Burnside;

H. R. 9415. An act granting an increase of pension to James Matthews;

H. R. 9847. An act granting an increase of pension to Zachariah R. Saunders;

H. R. 9986. An act granting an increase of pension to James Moore;

H. R. 9999. An act granting an increase of pension to George W. Guinn;

H. R. 10230. An act granting an increase of pension to Harrison C. Vore;

H. R. 10841. An act granting an increase of pension to Margaret Hoefer;

H. R. 11578. An act granting an increase of pension to John Gaston;

H. R. 11782. An act granting an increase of pension to Allen Hockenbury;

H. R. 11924. An act granting an increase of pension to Lewis H. Delony;

H. R. 12136. An act granting an increase of pension to Stephen May;

H. R. 2919. An act granting a pension to Christiana Steiger;

H. R. 13627. An act making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 11636. An act providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College;

H. R. 12452. An act granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes;

H. R. 12536. An act to further amend section 2399 of the Revised Statutes of the United States;

H. R. 5102. An act granting a pension to Margaret Baker, formerly Maggie Ralston;

H. R. 6699. An act granting a pension to Esther A. C. Hardee;

H. R. 8553. An act granting a pension to Joseph Tusinski;

H. R. 9018. An act granting a pension to Ida D. Greene;

H. R. 10090. An act granting a pension to James F. P. Johnston;

H. R. 10091. An act granting a pension to Blanche Duffy;

H. R. 12101. An act granting a pension to William E. Gray; and

H. R. 12697. An act granting a pension to M. C. Rogers.

LONDON DOCK CHARGES.

Mr. TOMPKINS of Ohio. Mr. Speaker, at a very late hour yesterday afternoon there was a discussion in the House of a very important question. I refer to the bill relating to the London dock clause. It is a subject in which the shipping people of this country are very much interested, and the committee to which that bill was referred have differed in their opinion as to the merits of the bill. I therefore ask unanimous consent for leave to have the views of the minority printed in the RECORD, in order that the members of the House may avail themselves of the information on this important question.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TOMPKINS] asks unanimous consent to print in the RECORD the views of the minority upon the bill H. R. 9059. Is there objection?

Mr. McRAE. Mr. Speaker, have these views been filed, and are they already in print?

Mr. TOMPKINS of Ohio. Yes; they are in print.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The document referred to is as follows:

VIEWS OF THE MINORITY.

[To accompany H. R. 9059.]

The undersigned members of the Committee on Interstate and Foreign Commerce, being unable to agree to a favorable report of this bill, beg leave to state their views, as follows:

Several strange features appear in this bill for which no explanation was offered in the committee. While nominally intended to apply to the port of London only, as has been repeatedly stated by the advocates of the measure (millers and lumbermen), and aimed solely at shipowners, the phraseology of the bill is so broad and sweeping that it applies to property transported to a great number of foreign ports. The bill deprives not only shipowners in this country, but "any persons or agencies other than the consignee or consignees" of the right or privilege of entering into any form of contract to protect even our American shippers or shipowners from unjust or even iniquitous laws, statutes, or customs of any country or countries, whether civilized or uncivilized, friendly or hostile to the American people.

The bill is drawn so as to protect the consignee in every foreign country; yet it is a prohibition of freedom of contract on all those interested in developing the export trade of the United States.

No two foreign ports in the world are exactly alike in their natural surroundings and consequent conditions. It has been the practice from time immemorial that the shipowner and shipper the world over, not alone in the United States, should clearly provide in the contract for the carriage of property to a foreign port that their responsibility ceases when the same is delivered over ship's rail. In ports of many foreign countries there may be customs or laws which would be absolutely injurious to American shippers and shipowners if they were unable when shipping to limit their liability for costs and all else up to the point when the property is delivered over ship's rail at the port of destination. The character and effect of some of these customs and laws we do not know.

Should this bill pass, it is well to consider the effect in respect to business to a foreign country where citizens of the United States and citizens of another country were endeavoring to do an export business. The freedom of contract being taken from the American, his foreign competitor in that particular business would be at a decided advantage.

No reason has been assigned by those advocating this bill why American exporters or shipowners should be denied the privilege of protecting themselves in this manner. Therefore, although it has been so frequently stated by the advocates of the bill (the millers and lumbermen) that it aimed at London, it would seriously prejudice and injure the methods of conducting trade to foreign countries and would prevent the shipper and shipowner in the export trade of the United States having a right to contract themselves into the same necessary position as are the shippers and shipowners of other countries.

The arguments submitted in support of the bill are all based on London, and consequently it seems well to develop facts with respect to the actual conditions prevailing there. By an ancient custom of that port, dating as far back as 1512, the Watermen's Company, by permission of the Crown, issued licenses to certain persons to work on the River Thames about the city of London as lightermen or bargemen, in consideration of their supplying men for the King's barges and for the royal navy. Under this license the bargemen had the privilege of going alongside of the vessels anchored in the river and removing the cargo from ship's rail free of any tax or charge.

When the first of the London docks were constructed, one hundred and twenty-five years ago, these bargemen had sufficient influence in the British Parliament to have this privilege continued to them, provided their barges were alongside of the ship in the dock and prepared to take any cargo within twenty-four hours after the ship entered. During all this period the goods that were taken from the dock by land instead of water were obliged to pay certain regular charges to the dock companies, which now and for some time past have amounted to 4 shillings per ton minimum. These barges were then and are still propelled by no power of their own, either steam or sail, but depend entirely upon the ebb and flow of the tide in the river.

This discrimination in favor of the bargemen was not founded on any principle of justice, for no reason has been assigned or attempted to be assigned showing why the delivery by barge should have any peculiar advantage over delivery by land, nor why one consignee of goods should be given a preference over another receiving goods from the same vessel. This, however, was not of special importance so long as the vessels entering the port of London were of comparatively small capacity, carrying a few varieties of cargo from a small number of shippers to a limited number of consignees; but as years went on and the size of ships increased, and with the development of commerce the number of shippers and consignees multiplied as did the diversity of the cargo; then the injustice of permitting these bargemen longer to enjoy this special privilege to the disadvantage of all other persons became manifest.

In the development of modern commerce vessels now carrying the American exports to London are of such great size that they are obliged to enter large locked-in tidal docks 8 to 14 miles distant from the center of the city of London. This increased distance required, of course, longer time, and the ebb and flow of a greater number of tides for the barges to float on their journeys and to get in and out of the docks, as they could only enter and leave at high water, and made more evident the impossibility of conducting business by the means and in the mode inaugurated four hundred years ago.

So when the shipowners engaged in the American trade some years since determined to construct large freight-carrying steamers, as large as any in the world—which have become so large that at present steamers now in service have a carrying capacity of eleven to twelve thousand tons of freight—they found it necessary to arrange with the London Dock Company, and did arrange, after considerable effort, that in order to expedite and cheapen the handling of the miscellaneous American exports the shipowners themselves, in addition to the ordinary duty of carriers of cargo, would undertake, after unloading, to assort, shelter, and deliver all goods transported by them from ports in America to the port of London. And in fulfillment of the purpose the so-called "London landing clause" was framed and inserted in bills of lading as long ago as 1888.

Among the many advantages the clause gives consignees seventy-two hours instead of twenty-four hours, as on cargo from other countries, after the steamer was reported at the custom-house, within which time their goods would be delivered without charge on American goods on the part of the dock company. The items of the expense for this service and the privileges accorded the American export movement are all set forth in the clause. The arrangement which resulted in this operation was only agreed to by the dock companies upon the assurances of the shipowners in the American trade that the speedy handling and delivery of cargo at a moderate charge would greatly enlarge the American business at the port of London.

This has been amply justified by the result. For instance, the American flour shippers in 1890 sent from the United States to London 10,000,000 hundredweight, which ten years later, in 1900, had increased to the enormous sum of 17,000,000 hundredweight of flour, while in the same year, 1900, the receipts of flour from all other countries in the world at London was only 178,000 hundredweight.

The result of this arrangement is that the bargemen at the port of London no longer enjoy the unreasonable discrimination in their favor allowed by the ancient custom of that port, but all American exports are subject to a definite charge, covering speedy assortment by responsible parties, care, shelter, and prompt delivery.

In view of this arrangement the shipowners in the American trade have provided themselves no only with the most modern and enormous steamers, but they themselves, without any increase in ocean freights, have at great expense hired quay space, installed modern apparatus for unloading, and pay dues for other facilities, by which working with a force of hundreds of men, day and night, they are enabled to unload a steamer with 10,000 to 12,000 tons of cargo in two or three days, load their west-bound cargo, turn their steamers about, and return to American ports on regular schedule, while vessels from other countries, not working under these modern methods, often occupy two or three weeks in unloading a much smaller cargo and at a greater cost to the receivers thereof, who are in the hands of the dock companies and must pay the dock company's charges for work equivalent to that performed under the so-called "London landing clause."

The rate of freight on the North Atlantic to London has steadily decreased year by year as the steamers have become larger, faster, and are consequently able to carry more cargo and make more trips.

The benefit to all of the shippers of the United States is apparent. They have regularity of service, the cheapest rates of freight ever known, and goods are delivered quickly and are not subject to any charges by the London dock companies, so that the American exports by sea to London are handled with as much certainty as will be found on land.

There can certainly be no discrimination against American exports at London in regard to handling after delivery from ship's rail as compared with the cost of handling exports of other countries to London through the dock companies, when it is shown that the "London landing-clause" rate is less than one-half of the minimum charge of the dock companies for the identical service.

The effect of the bill, as is stated by its friends, is to take from the shipowners the power to make a contract for assorting, caring for, sheltering, and delivering cargo after it leaves ship's rail, at 1 shilling 9 pence per ton, or any other charge, and to restore the ancient and actual discrimination in favor of the bargemen of London, who may choose to float in and out upon the tides of the waters of the Thames.

The services for which the charges in the "London landing clause" are made are entirely different and distinct from the simple carrying of cargo on the ocean. They have grown out of the requirements of modern business methods and the necessity for speedy dispatch of the cargo and the vessels, that the enormous exports of the United States may be moved economically in all departments.

Ambassador Choate in his report, page 6, says:

"The 1 shilling 9 pence charge, which is the subject of the present contention, is made, not for discharging the goods from the ship onto the quay, which is still borne by these steamship companies and is a heavy cost, but for the accommodation, shelter, and care of the goods upon the quay, and for all the labor done upon them from the moment they touch the quay until

they are delivered to the barges, including sorting, piling, and removing, i. e., delivery to craft, car, wagon, or other conveyance."

The agents and attorneys for the millers and lumbermen, who alone advocated this bill before the committee, stated several times that they did not object to the amount of the charges embraced in the clause, but insisted that they should be included in the ocean freight rate with the expectation and object, as alleged, that they would be finally absorbed by competition, that is to say, the ocean rate varies according to supply and demand, as was admitted by all at the hearings given. The charges for assorting, etc., after delivery from ship's rail are not so regulated. From this, as we understand it, it is meant that the millers and lumbermen want the work for their benefit to continue at the port of London as it is now done, but they do not want to pay for it.

The services for which the charges in the "London clause" are made, as shown above, are for totally different work from that of ocean carriage and delivery over ship's rail. They cover the equivalent work that is performed at Liverpool, Glasgow, and other ports in Great Britain and on the continent of Europe, and became necessary in the present form at the port of London because of the special favors that were granted to the bargemen so many years ago, and from the necessity for the speedy handling of cargo by responsible parties. If this bill is passed it will be entirely within the power of the dock companies at London to charge a minimum of 4 shillings for every ton of cargo upon their docks instead of the lesser charges under the "London clause."

Ambassador Choate, in a note on page 11 of his report, records that the dock companies at London are "afraid of the shipowners, who are well organized; but if the shipowner was allowed to complete his obligation when goods were delivered over the vessel's side, the cargo would be in the hands of the dock companies, who are in a position of absolute autocracy toward cargo interests."

The large steamers with American exports carry to London on one voyage ten to twelve thousand tons of cargo from as many as 800 or 1,000 shippers and intended for a thousand or more consignees. After delivery the cargo must be assorted, cared for, sheltered, and delivered in a systematic way, as only modern methods and energy can bring about.

If each of the great number of consignees sent his own men to attend to his own consignment, the docks would be overcrowded with men all searching for their own particular property, and causing not only delay to themselves but to everyone else, the result of which would be chaos. It seems useless to say that the modern methods must be overthrown by preventing the shipowners from making a reasonable contract because of the absurd privileges claimed by the bargemen of the port of London.

The question of the right to make the charges stipulated in the "London landing clause" for the services rendered by the shipowners was contested in the royal courts of justice, England, about three years after the clause was put in force, and Justice Day, in rendering decision April 7, 1891, held that the contract growing out of the clause was perfectly legal. He made the following, among other observations, in respect to it:

"The 'London clause' has been entered into, it is stated, by shipowners and merchants in London for the purpose of expediting business. It contains most reasonable provisions, which are almost necessary for the conduct of commercial business in these times, and when one finds immense vessels, such as the *Lydian Monarch* and other vessels, coming into the port of London, it is ridiculous to have applicable to such vessels and to such cargoes the old custom of the port of London, which was no doubt very applicable to small vessels containing very limited cargoes indeed.

"If the shipowner had entered into this contract for the purpose merely of pecuniary benefit, he would have been entitled to the benefit of the contract. It was quite clear, however, that it is not merely for pecuniary benefit, but that it is to the interest of all parties concerned that their goods should be delivered in the most convenient manner, and should be delivered in such manner as to enable them always to get their goods within the shortest possible time."

The *Lydian Monarch*, the immense vessel referred to in the decision which is given on page 42 of Senate Document No. 96, was a large steamer for her day, but there are now steamers in the London trade three and four times her size.

It is pertinent at this point to refer to page 10 of Senate Document No. 96, Appendix 2, giving an extract from a portion of section 493 of the merchant shipping act, 1894. From the reading of this it would appear that the shipowner is obliged to do certain things which, from a reading of all of the portion of the act referred to relating to the disposal of cargo—Part VII, sections 422 and 501, inclusive—is not found to be invariably incumbent upon him. Section 501 is short and to the point, nullifying, as far as established local port conditions are concerned, all of the preceding sections under Part VII.

Section 501 reads:

"Nothing in this part of this act shall 'take away or abridge any powers given by any local act to any harbor authority, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this part of this act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local act.'"

The statement has been frequently made that London is a "free port." Ambassador Choate's comments on this point will be found in Senate Document No. 96, page 3, fourth paragraph, as follows:

"In harmony with these enactments, which thus secured to the bargemen and to the cargo exemption from dock charges for unlading, it was and still is, unless otherwise agreed, the custom of the port of London that a consignee of goods has the right to the delivery of his goods overside, and therefore free from landing charges if he is ready and willing to take delivery of the same within twenty-four hours after the arrival at her place of discharge of the vessel in which the goods are borne. This, I take it, is what is meant—and all that is meant—by London being a "free port" by act of Parliament."

And page 14, second paragraph, as follows:

"It should be mentioned that if the merchant's barge is not alongside the ship within twenty-four hours from the date of the vessel's report the right of obtaining free delivery is forfeited, and the dock company have the right to levy their quay dues upon the scale charged to the merchant, a right which in all circumstances is rigidly enforced."

One result of the passage of this bill must be to put the shippers of this country at the mercy of the London dock companies, whose minimum charge is 4s. per ton of freight, as against the average of 1s. 9d., now being paid under the "London clause," with the possible privilege to a few shippers to receive their goods over the side of the ships free of charge, provided the barge floating down the river upon the tide can be alongside the ship within twenty-four hours after the vessel reports.

A barge floating down the river, as a matter of practical knowledge, can not once in twenty times be alongside the ship in the dock within twenty-four hours after her entry.

The barges are small and open, and enough to remove the cargo of a modern steamer from the United States could not be floated in the docks at one time.

If this bill is passed and the existing agreement between American shipowners and the London dock companies is abrogated, the effect on the American trade at the port of London may be most disastrous. Without the "London clause" as it now exists in the bill of lading, which is based upon the contract between the shipowners and the dock companies, the full duty of the shipowners, both by law and custom, will be completed when they deliver the goods over the side of the ship onto the docks. Formerly the dock companies took charge of the goods as soon as landed on the dock for the purpose of delivering them. It will be seen, however, from page 6 of Mr. Choate's report, that—

"In the year 1890, after a very serious strike among the dock laborers, the dock companies declined to have anything more to do with the cargoes discharged upon the docks for transfer to barges or to perform any labor thereon, which they had theretofore done under a claim of right, and since that time such labor has all been done by the steamship companies."

And, on page 14, Mr. Choate says:

"The delay that merchants suffer arise in part from the inadequacy of the dock quays, and also from the unwillingness of the dock officials to assist the lighterage traffic in any way whatever."

If Congress wishes to revive this ancient privilege at London and attach it to modern methods of doing business, the bill should be so drawn as to express that purpose.

There is certainly no need of a bill which takes from every shipowner and shipper in the United States the ordinary rights of contract and expressly protects the consignees of every foreign country to the disadvantage of our own citizens.

Some effort has been made before the committee to justify the enactment of such a law as this by comparing American shipping business with that of other countries whose ships enter the port of London. The circumstances surrounding these two different lines of business are so dissimilar that no just comparison can be made. The business of other countries is conducted in an old-time, easy-going method. Their ships are comparatively small and can enter the docks higher up the river, nearer the center of the city of London and its warehouses. The cargo often consists of one or two classes of freight, consigned to a limited number of persons. Freight entering from the American ports is carried in the largest vessels afloat. By reason of their size they are confined to a couple of docks, located from 10 to 14 miles from the center of the city of London.

Their cargo consists of every kind of farm products and manufactured goods produced in this country. They carry goods in the same vessels from as many as 800 to 1,000 consignors to an equal or greater number of consignees, and it is physically impossible to unload and handle this enormous quantity of freight of such varied character in a mode that is entirely suitable to the business from other countries. The difference in the two kinds of business can not be better compared than by the difference in the one article of flour shipped from the United States and that of other countries. As shown above, in 1900 the United States shipped 17,000,000 hundredweight of flour to London, while all other countries only shipped 178,000 hundredweight. One steamer from the United States carried on one voyage 74,000 sacks of flour.

It must be apparent that the mode of handling this great and increasing business is bound to be different from that of handling the business from all other of the world's ports, and no greater injustice could be done to the American shipping business than to overthrow the modern method of handling it at London, which has proven so beneficent in its results.

J. S. SHERMAN.
W. P. HEPBURN.
EMMETT TOMPKINS.
W. C. ADAMSON.

Mr. HENRY of Connecticut. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, relating to a supplemental appropriation in payment of claim of H. H. Thornton et al.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SWANSON, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3351) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C., reported the same without amendment, accompanied by a report (No. 1737); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 7691) for payment of $54 to V. Baldwin Johnson for 15 tons of coal, reported the same without amendment, accompanied by a report (No. 1736); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13534) granting an increase of pension to James Evans, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McDERMOTT: A bill (H. R. 13941) to abolish all duties upon meat or poultry imported from foreign countries—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 13963) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Joint resolution (H. J. Res. 184) requesting State authorities to cooperate with the Census Office in securing a uniform system of death registration—to the Select Committee on the Census.

By Mr. HEATWOLE: Concurrent resolution (H. C. Res. 50) providing for the printing of 25,000 copies of First Assistant Postmaster-General's Report for 1900-1901, relating to free-delivery service—to the Committee on Printing.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 221) instructing the Ways and Means Committee to investigate the question of the recent increase of the price of meats—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 13942) granting an increase of pension to James Hunter—to the Committee on Invalid Pensions.

By Mr. BRISTOW: A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 13944) granting a pension to Margaret Ann West, a nurse of United States Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13945) granting an increase of pension to Edward T. Durant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13946) granting an increase of pension to Capt. Stephen B. Todd—to the Committee on Invalid pensions.

Also, a bill (H. R. 13947) to increase the rate of pension for total blindness in certain cases—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 13948) for the relief of Mrs. R. D. Smith—to the Committee on War Claims.

By Mr. CORLISS: A bill (H. R. 13949) granting a pension to David Kimball—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13950) for the relief of Omenzo G. Dodge—to the Committee on Naval Affairs.

By Mr. GRIFFITH: A bill (H. R. 13951) granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 13952) exempting the property of the Linthicum Institute from taxation—to the Committee on the District of Columbia.

By Mr. KERN: A bill (H. R. 13953) granting a pension to Oscar C. Lasley—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 13954) for the relief of retired colonels, United States Army—to the Committee on Military Affairs.

By Mr. MOODY of Oregon: A bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh—to the Committee on Pensions.

By Mr. POWERS of Maine: A bill (H. R. 13956) granting an extension of Letters Patent No. 244898—to the Committee on Patents.

By Mr. RAY of New York: A bill (H. R. 13957) granting an increase of pension to Charles Holmes—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 13958) granting an increase of pension to Charles C. Pemberton—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 13959) granting an increase of pension to Wyman J. Crow—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13960) to remove the charge of desertion from the record of William Ridge—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 13961) granting an increase of pension to Jeremiah Skelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13962) granting an increase of pension to James M. Youmans—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 13964) for the relief of Jesse Cobb (colored)—to the Committee on War Claims.

Also, a bill (H. R. 13965) for the relief of the legal representatives of James Smith, deceased—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 13966) granting an increase of pension to John W. Winkler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of R. C. Christy, Bunola, Pa., favoring House bill 9206—to the Committee on Agriculture.

By Mr. ADAMS: Resolution of General Hector Tyndale Circle, No. 65, Ladies of the Grand Army of the Republic, Philadelphia, Pa., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of the Board of Trade of Newark, N. J.; Boston Merchants' Association, Boston, Mass.; the Chamber of Commerce of San Francisco, and Los Angeles Board of Trade, Los Angeles, Cal., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Resolutions of the Credit Men's Association of Atlanta, Ga., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. BROWN: Petition of St. Michael's Society, of Ashland, Wis., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. BELLAMY: Resolutions of Central Labor Union of Charlotte, N. C., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of board of aldermen of Raleigh, N. C., for an appropriation for macadamizing road to national cemetery—to the Committee on Military Affairs.

Also, petition of heir of John C. Swain, of Brunswick County, N. C., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, resolutions of Central Labor Union and Textile Workers' Union No. 224, of Charlotte, N. C., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the North Carolina Pine Association favoring the bill providing for abolishing the London landing charges, known as Senate bill 1792—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of citizens of Foreman, Ind. T., in relation to the passage of House bill 7475—to the Committee on the Public Lands.

By Mr. CALDERHEAD: Petitions of H. Bergman, C. A. Morley, and Owen Smith, of Clyde, Kans., in favor of the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. CANNON: Papers to accompany House bill 13472, granting an increase of pension to Lewis E. Wilcox—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolutions of Rock River Lodge, No. 210, Brotherhood of Railroad Trainmen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: Resolution of the Retail Clerks' Union of Atchison, Kans., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Retail Clerks' Union of Leavenworth, Kans., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVEY of Louisiana: Resolution of Central Trades and Labor Council of New Orleans, La., against the passage of House bill 5777, amending the copyright laws—to the Committee on Patents.

By Mr. GILLETT of Massachusetts: Petitions of S. T. Maynard and 36 others of Amherst, and Frank B. Spalter and 29 others of Winchendon, Mass., for the protection of game and fish—to the Committee on the Public Lands.

By Mr. GRAHAM: Resolutions of the Chamber of Commerce of Pittsburg, Pa., urging an amendment to the river and harbor bill so as to include the Pittsburg Harbor in the investigation of bridges—to the Committee on Rivers and Harbors.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. GREENE of Massachusetts: Resolutions of Temple Ohabei Shalom, Boston, Mass., relative to treaty regulations with Russia—to the Committee on Foreign Affairs.

By Mr. KERN: Resolutions of W. H. Wallace Post, No. 55, Grand Army of the Republic, Centralia, Ill., favoring the Quay bill for the relief of the soldiers of the civil war—to the Committee on Invalid Pensions.

Also, petitions of Joseph E. Miller, of Belleville; Rutter Brothers, Fayetteville; J. E. Foraker, of Salem; Wesley Gant, of Fort Gage; Jamestown Creamery, Wehrheim Mercantile Company, of

Baldwin, Ill., indorsing House bill 9206—to the Committee on Agriculture.

By Mr. LINDSAY: Resolutions of Republican Union of the Eighteenth assembly district, Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Resolutions of Mena Lodge, No. 529, Brotherhood of Railroad Firemen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. LLOYD: Resolutions of Mine Workers' Union, Bevier and Novinger, Mo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 43 citizens of Macon County, Mo., in favor of giving the Missouri Enrolled Militia a pensionable status—to the Committee on Invalid Pensions.

By Mr. MANN: Resolutions of W. M. Hobbs Lodge, No. 4, of Chicago, and W. C. Pearce Lodge, No. 271, of Champaign, Ill., Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Maritime Exchange, urging the passsage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Petition of G. F. Carl and other citizens of Sanborn, N. Dak., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. McCLEARY: Resolution of Minnesota State Forestry Association, favoring the construction of forest areas—to the Committee on Indian Affairs.

By Mr. MOODY of Massachusetts: Resolutions of Bricklayers and Masons' Union No. 21, and Fish Skinners, Cutters, and Handlers' Union No. 9582, of Gloucester, Mass., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MUTCHLER: Resolutions of Onoko Lodge, No. 211, Brotherhood of Railroad Firemen, and Lehigh Lodge, No. 403, Association of Machinists, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Lodge No. 259, of Easton, Pa., Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. NAPHEN: Resolutions of Bay State Lodge No. 73, of Worcester, Mass., Brotherhood of Locomotive Firemen, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of Lodge No. 388, Locomotive Firemen, Milwaukee, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Mine Workers' Union No. 961, Jeanesville, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of a Polish society, favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. PUGSLEY: Resolutions of Coopers' Union No. 2, of New York; Plumbers and Gasfitters' Union No. 86, of Mount Vernon, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Iroquois Club of California, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of board of aldermen of New York City, urging appropriation for dredging and deepening Buttermilk Channel, N. Y.—to the Committee on Rivers and Harbors.

Also, resolutions of the Trades League of Philadelphia, urging law authorizing communities, corporations, or individuals to improve commercial channels at their own expense—to the Committee on Rivers and Harbors.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of board of directors of the Chicago Board of Trade, approving of House bill 8337 and Senate bill 3575, amending an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Credit Men's Association of Rochester, N. Y., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of common council of Mount Vernon, N. Y., asking for an appropriation for dredging the Hutchinson River, New York—to the Committee on Rivers and Harbors.

Also, resolutions of Painters and Decorators' Union No. 454, and Electric Lodge, No. 313, of Bronx Borough, New York City, Painters' Union No. 52 of Mount Vernon, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Core Makers' Union No. 27, of Ossining, N. Y., and petition of citizens of New York City, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting a pension to George W. Sutton—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11077, to amend the military record of Peter Coyle—to the Committee on Military Affairs.

Also, papers to accompany House bill 13958, granting an increase of pension to Charles C. Pemberton—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Clothing Clerks' Union, No. 10, of Fort Wayne, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of Davenport, Iowa, in favor of the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of Branch No. 538, Polish National Society, of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SMITH of Kentucky: Papers in support of House bill 7335, granting a pension to Elsy Pinter—to the Committee on Invalid Pensions.

By Mr. SNOOK: Resolutions of L. S. Holmes Post, No. 87, of Deshler, Department of Ohio, Grand Army of the Republic, favoring House bill No. 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Resolutions of Order of Railway Conductors and Bricklayers' Union, of El Paso, Tex., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Stone Cutters' Union, of Jacksboro and Big Springs, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Order of Railway Conductors of Laredo, Tex., asking for the recall of Ambassador Powell Clayton, of Mexico—to the Committee on Foreign Affairs.

By Mr. TOMPKINS of New York: Resolutions of Laborers' Protective Union No. 8856, of Middletown, N. Y., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Petition of J. S. Neighbor, to accompany House bill to amend the military record of William Ridge—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Monroe Brothers, Fleisher Brothers, Joel Baily Davis Company, George H. West Shoe Company, The S. S. White Dental Manufacturing Company, Fourth Street National Bank, Bickel & Miller, Felton, Sibley & Co., E. R. Hawkins & Co., G. W. Bernstein, and J. L. Shoemaker & Co., all of Philadelphia, Pa., in regard to the bankruptcy law—to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 24, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

HERRERA'S NEPHEWS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 26th ultimo, certain information relative to the claim of Herrera's Nephews for the detention and use of their steamship *San Juan*, and of Gallego, Messa & Co., for the use and detention of their steamship *Tomas Brooks*, and the occupation and use of their wharves and warehouse by the military authorities of the United States at Santiago de Cuba in 1898 and 1899; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

AUTHORITIES ON RECIPROCITY.

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting a list of authorities on reciprocity; which, on motion of Mr. CULLOM,